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Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: House passed defense appropriation bill. (Amendment to increase milk ration was ruled out of order.) House Rules Committee cleared St. Lawrence seaway bill. Senate concurred in House amendment to bill authorizing court review of Government contracts. Sen. Thyne introduced and discussed bill to distribute surpluses through voluntary agencies to needy abroad.

SENATE

1. CONTRACTS. Concurred in the House amendment to S. 24, to provide for court review of Government contracts (pp. 5413-4). This bill will now be sent to the President.
2. PRICE SUPPORTS. Sen. Morse inserted a statement by H. V. Weatherford opposing flexible price supports (pp. 5435-6).
3. FOREIGN TRADE. Sen. Malone spoke in favor of protective tariffs, etc. (pp. 5429-31).
4. ST. LAWRENCE SEAWAY. Sen. Wiley spoke in favor of this project (p. 5421).
5. RECESSED until Mon., May 3 (p. 5436). The bill to amend the Taft-Hartley law was made the unfinished business (p. 5433).

HOUSE

6. DEFENSE APPROPRIATION BILL, 1955. Passed with amendments this bill, H. R. 8873 (pp. 5438-79). An amendment by Rep. Roosevelt, to increase the daily milk ration to 1 quart and to have the extra amount paid for from CCC funds, was ruled out of order (pp. 5446-7).
7. ST. LAWRENCE SEAWAY. The Rules Committee reported a resolution for consideration of S. 2150, to authorize this project (p. 5494).
8. INTERGOVERNMENTAL RELATIONS. Rep. Goodwin was appointed to the Committee on Intergovernmental Relations (p. 5437).

9. CONTAINERS. The Interstate and Foreign Commerce Committee was authorized to report today (during adjournment) H. R. 8357; to amend the Standard Container Act so as to provide for a 3/8 bushel basket (p. 5484).
10. DAIRY SURPLUS. Rep. Marshall inserted USDA press releases on plans to use some of the dried-milk surpluses for livestock feed, and he objected to this plan (pp. 5484-5).
11. ADJOURNED until Mon., May 3 (p. 5494). Rep. Halleck announced that the Consent Calendar will be considered Mon., the Private Calendar on Tues., and that debate on the St. Lawrence seaway is to begin Wed. (p. 5480).

BILLS INTRODUCED

12. SURPLUS COMMODITIES. S. 3377, by Sen. Thye, to provide for the effective distribution through voluntary agencies of surplus agricultural commodities abroad to needy persons; to Agriculture and Forestry Committee (pp. 5406-7). Remarks of author (pp. 5407-9).
13. FLAMMABLE FABRICS. S. 3379, by Sen. Purtell, to amend the Flammable Fabrics Act so as to exempt fabrics and wearing apparel which are not highly flammable; to Interstate and Foreign Commerce Committee (p. 5407). Remarks of author (pp. 5409-13).
14. PERSONNEL. H. R. 8947, by Rep. Broyhill, to amend the Civil Service Retirement Act; to Post Office and Civil Service Committee (p. 5494).
H. R. 8950, by Rep. Scott, to extend the Classification Act to additional positions; to Post Office and Civil Service Committee (p. 5494).
15. SURPLUS COMMODITIES. H. R. 8952, by Rep. Roosevelt, to authorize the transfer of funds available to CCC so as to increase the ration of whole fluid milk for the armed services and for school lunches; to Agriculture Committee (p. 5494).
16. SURPLUS PROPERTY. H. R. 8953, by Rep. Wampler, to permit volunteer fire departments and rescue squads to receive property surplus to the needs of the Federal Government; to Government Operations Committee (p. 5494).

COMMITTEE HEARINGS RELEASED BY GPO

17. HOUSING. S. 2889, S. 2938, and S. 2949, proposed Housing Act of 1954. S. Banking and Currency Committee.
18. RECLAMATION. H. R. 4443, H. R. 4449, and H. R. 4463, Colorado River Storage Project. H. Interior and Insular Affairs Committee.

ITEMS IN APPENDIX

19. PRICE SUPPORTS. Sen. Kefauver inserted E. G. Shinner's article favoring price supports for small farmers only (pp. A3109-10).
Sen. Thye inserted an article by A. D. Stedman opposing the reduction in dairy supports (p. A3116).
Rep. Patterson inserted a report on the Conn. College of Agriculture conference on agricultural policy, analyzing price-support problems (pp. A3117-8).
Rep. King, Pa., inserted a Christian Science Monitor article favoring flexible price supports (p. A3125).
20. FERTILIZER. Rep. Hays, Ohio, inserted an Ohio Farm Bureau News article favoring the Hells Canyon project in order to get cheap power to develop the phosphate

S. 3379

IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 14), 1954

Mr. PURTELL introduced the following bill; which was read twice and referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Flammable Fabrics Act (67 Stat. 111; 15 U. S. C.
4 secs. 1191-1200) is amended as follows:

5 (1) In section 2 (d) after the comma following: "hats,
6 gloves" insert "scarfs made of plain surface fabrics"; and

7 (2) after subsection (b) of section 4 insert the following:

8 “(c) Notwithstanding the provisions of Commercial
9 Standard 191-53, setting forth the conditions under which
10 samples of fabrics and articles of wearing apparel are to be

A BILL

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

By Mr. PURCELL.

APRIL 29 (legislative day, APRIL 14), 1954
Read twice and referred to the Committee on
Interstate and Foreign Commerce

1 tested, the tests shall be made upon samples which after
2 having been previously dried are conditioned to equilibrium
3 in the standard textile testing atmosphere of 65 per centum
4 relative humidity and seventy degrees Fahrenheit."

are the chances that low prices and high costs will drive the farmers away from the farm and into industry, and in that way stop our surplus farm production machine.

There is, in my opinion, not a chance in the world, for by far the biggest and most persistent surplus our farms produce is their surplus of prospective farmers, in the form of farm-reared boys who would like to farm as a lifework but who cannot find an available farm.

It probably takes about 150,000 to 200,000 new farmers each year for replacement of those who die or retire.

We have supplied this replacement, and an average surplus of 250,000 additional farm boys that had to go to the city each year, for the past 3 decades.

There seems to be no slackening or end to this surplus of boys coming from our farms, so there is no chance whatever that our farms will be unmanned in future years due to too few boys who know farming and who want to farm.

This unchanging amount of land used, this fixed amount of power and labor, this never-ending supply of new farmers, is still not the end of the story of the inevitability of our surplus farm output.

The Department of Agriculture made an elaborate and careful study in 1952 of our agriculture's capacity to produce.

They came up with the astounding conclusion that if farmers applied all the known and readily available "know-how" the output of the four feed crops (corn, barley, oats and sorghums) could be increased 57 percent more than the 1950 production on the same amount of land; that cotton output could be upped 76 percent; peanuts by 83 percent; wheat 40 percent; tame hay 56 percent; soy beans 41 percent; and, remarkable though it may seem, pastures by 97 percent.

Food livestock production per unit of livestock has possible increases fully commensurate with those of crops, the report concludes.

PRODUCTIVITY TO REMAIN HIGH

From these facts on the nature of the farm business, it is clear that, other than setbacks from drought years, it is more difficult if not impossible to reverse the upward movement of increased productivity of American farms at the present state of our development.

Acreage controls, diversion of land to planting of legumes for soil building, and other means will help maintain a balance, but basically we must anticipate that surpluses will occur.

Because of our own and world needs, our agricultural machine has been geared to a high level of productivity.

Obviously this acceleration cannot continue forever, but rash, indeed, would be the farm economist who would predict where the increased productivity of our American farms will level off, especially with research paying such good returns and with expanded research and extension being heartily endorsed and vigorously advocated by nearly everyone.

In our acreage control efforts during the last 2 decades we have never reduced our total crop acreage any—but merely shifted it from one surplus-producing crop to others.

We are trying to avoid that by encouraging shifts to soil-building rather than marketable crops.

The high fixed cost nature of the farm business and the uncertainties and hazards of farming make the effort for full production not only logical but necessary.

Hence we must realize that this great continued abundance of our food and fiber—this even, full flow from our farms of the means of high standards of living—is one of the greatest factors of our Nation's greatness and of its leadership in the world.

We must look upon it as one of God's richest endowments to our Nation.

Let us not for once look upon it as a curse, but as one of the greatest blessings sent to a troubled, hungry world.

It is one of the most powerful weapons of peace ever given to a nation.

Let us use it as such to help feed hungry people, to help them gain strength so they can themselves become more productive; and finally let us use it as a far more potent destroyer of communism than is the hydrogen bomb.

Communism has no greater ally than hunger; democracy and freedom no greater ally than a well-nourished people.

The bill which I have introduced is aimed solely at using part of our farm surplus to help us as a nation attain these ends.

It, as stated previously, provides for distribution through nonprofit voluntary agencies.

WOULD BUILD GOODWILL

One of the most important results of distributing our unmarketable surpluses through nonprofit voluntary agencies is the goodwill that results in aid distributed under the name of the United States but by private agencies to needy persons in a country.

Person to person help, always marked as coming as assistance from the United States, rather than the over-all nation to nation assistance, avoids the natural skepticism that one nation has for another when such mutual aid efforts are undertaken through national channels.

Dollar for dollar such aid can without doubt be extended at far less cost to the United States through voluntary nonprofit agencies, as is provided in the bill I have introduced, than through direct governmental distribution.

This type of aid also assures that the aid is given solely to the needy and does not get into speculative channels as is often the case in government to government distribution.

OPEN NEW FIELDS

The provisions of this bill, I am certain, will open up a vast new field of use and distribution of our surpluses that cannot otherwise be disposed of.

It will yield great future rewards in goodwill, and rewards for our country in expanded markets.

It will result in increased productivity of friendly countries and consequent increased future profitable commercial intercourse between them and us.

To summarize, I believe that a servicable use of some of our current and future unmarketable surpluses is highly important as a means of avoiding the spread of an aggressive communism.

If these surpluses are allowed to waste, or are dumped onto the world markets to break normal markets, great discredit and ill will to us will be the result.

On the other hand, if these surpluses are used to relieve hunger, to increase productivity and trade, and to establish new future demands without interfering with normal private trade, we can reap rich harvests of good will, of reduced costs of checking aggression, and of increased profitable future trade with friendly nations.

AMENDMENT OF FLAMMABLE FABRICS ACT, RELATING TO EXEMPTION OF CERTAIN FABRICS AND WEARING APPAREL

Mr. PURTELL. Mr. President, I introduce for appropriate reference a bill to amend the Flammable Fabrics Act, which I have prepared.

The bill would add scarfs made of plain surface fabrics to the other articles

which are already exempted by present law, namely hats, gloves and footwear.

The bill would also change the conditions under which the present flammability tests are conducted. At present, samples are made bone-dry before they are tested under commercial standard 191-53. This bill would require samples to be tested under the normal conditions under which articles of clothing are generally worn, namely in room temperature with average humidity.

The Senate and House committee reports indicate that the purpose of the Flammable Fabrics Act was to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which had caused either bodily injury or death to numerous individuals. The bill was aimed at dangerous articles of wearing apparel, such as highly flammable children's cowboy playsuits, torch sweaters or jackets, and the like. The major hazards arose from certain cotton or rayon fabrics having fuzzy or furlike surfaces which flash and burn with exceeding rapidity.

The Senate and House committees were faced with the major problem of discriminating between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous. The committees followed the advice of industry spokesmen and experts and incorporated into the law commercial standard 191-53. Now, less than 10 months after the law is passed, the industry calls to our attention the fact that a large percentage of silk, organdie, batiste, veils, nettings, and so forth, have been unexpectedly banned by that commercial standard, notwithstanding the fact that they are made of conventional fabrics with a good record for safety down through the years. The possibility that these conventional fabrics might be banned under the standards of the law was never even broached in the hearings and it is quite likely that closer scrutiny would have been given to commercial standard 191-53, if this had been called to the attention of the committees. That is the reason why it is necessary to consider amending the law within 1 year after it has passed and about 2 months before it goes into effect.

Although the legislative history makes clear that scarfs of some kinds at least were included within the terms of the act, industry experts point out that the only ones which present unusual hazards and are highly dangerous are the ones which are not made of plain surface fabrics. Furthermore, there is no indication that scarfs have been made of cotton or rayon fabrics having fuzzy or furlike surfaces which flash and burn with exceeding rapidity, but if they were, they would still come under the testing procedures of the act under my bill. Handkerchiefs and scarfs are used primarily as accessories and not as regular clothing. A handkerchief can easily and quickly be discarded or dropped if it burns rapidly. The same observation applies to scarfs, except that they may

take a little more time to remove. However, if scarfs are made of plain surface fabrics according to industry experts, the burning time is slow enough to allow the person to discard them.

The other amendment added by my bill is a change in the conditions under which the present flammability tests are conducted. I have already pointed out that we are surprised that certain conventional fabrics, such as organdie, batiste, veils, nettings, and so forth, with a long record of safety performance are now banned by the present tests. Industry representatives and experts point out that the reason is that sample are not tested under the conditions existing where those materials are generally worn. At present, samples are tested bone dry. My bill would require samples to be tested under the normal conditions under which articles of clothing are generally worn, namely, in room temperature with average humidity. Experts have advised me that when so tested, conventional fabrics such as organdies, batistes, veils, nettings, and so forth, will pass the test although silk would not be materially helped by this change. I believe this result will be more in keeping with the professed purposes of the Flammable Fabrics Act.

I intend to send this bill to the Federal Trade Commission and to the Department of Commerce by special messenger for a quick appraisal of its merits and I will welcome any recommendation on their part for improvement of the bill. As soon as I obtain their views, I intend to call a meeting of the subcommittee to consider this urgent problem. This may take place early next week.

I ask unanimous consent to have two statements prepared by me and two letters relating to the bill printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statements and letters will be printed in the RECORD.

The bill (S. 3379) to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable, introduced by Mr. PURTELL, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statements and letters presented by Mr. PURTELL are as follows:

EXEMPTION FROM FLAMMABLE FABRICS ACT OF FABRICS AND WEARING APPAREL NOT HIGHLY FLAMMABLE

Senator WILLIAM A. PURTELL, Republican, of Connecticut, chairman of the Subcommittee on Business and Consumer Interests, introduced in the Senate today a bill which would amend the Flammable Fabrics Act (Public Law 88, 83d Cong.), so as to exempt from its application fabrics and articles of wearing apparel which are not highly flammable. The Flammable Fabrics Act was approved in the 1st session of the present Congress, on June 30, 1953. By its terms, the act becomes effective on June 30, 1954.

Senator PURTELL's bill would add scarfs made of plain-surface fabrics to the other articles which are already exempted by present law, namely hats, gloves, and footwear.

The bill would also change the conditions under which the present flammability tests are conducted. At present, samples are made

bone-dry before they are tested under commercial standard 191-53. Senator PURTELL's bill would require samples to be tested under the normal conditions under which articles of clothing are generally worn, namely in room temperature with average humidity.

NEED FOR LEGISLATION

Senator PURTELL explained the need for the legislation, as follows:

"The Senate and House committee reports indicate that the purpose of the Flammable Fabrics Act was 'to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which had caused either bodily injury or death to numerous individuals.' The bill was aimed at dangerous articles of wearing apparel, such as highly flammable children's cowboy playsuits, torch sweaters or jackets, and the like. The major hazards arose from certain cotton or rayon fabrics having fuzzy or furlike surfaces which flash and burn with exceeding rapidity.

"The Senate and House committees were faced with the major problem of discriminating between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous. The committees followed the advice of industry spokesmen and experts and incorporated into the law commercial standard 191-53. Now, less than 10 months after the law is passed, the industry calls to our attention the fact that a large percentage of silk, organdie, batiste, veils, nettings, etc., have been unexpectedly banned by that commercial standard, notwithstanding the fact that they are made of conventional fabrics with a good record for safety down through the years. The possibility that these conventional fabrics might be banned under the standards of the law was never even broached in the hearings and it is quite likely that closer scrutiny would have been given to commercial standard 191-53, if this had been called to the attention of the committees. That is the reason why it is necessary to consider amending the law within 1 year after it was passed and about 2 months before it goes into effect."

REASON FOR PARTICULAR LEGISLATIVE APPROACH

"At the request of the subcommittee, counsel was asked to explore the possibility of an administrative solution to the problem. Counsel has advised me that the standards laid down in the act are so clear and stringent that possible administrative relief is inadequate. For instance, the Federal Trade Commission has been asked by members of the industry to rule that scarfs and handkerchiefs are not articles of wearing apparel under the terms of the act but merely accessories. According to committee counsel, while handkerchiefs should not be regarded as within the terms of the Flammable Fabrics Act, it is quite likely that scarfs are included, because express mention was made by Federal agency witnesses at the hearings that scarfs that covered part of the neck and shoulders should be regarded as wearing apparel within the meaning of the terms. This legislative history is difficult to overcome. If handkerchiefs are excluded from the coverage of the present law, as we are advised by committee counsel, this alone will in part take care of the silk problem, because a large portion of sheer silks are used in the manufacture of handkerchiefs. If we report out amendments to the act, I shall advise the committee to cover the matter of handkerchiefs, at least in the report, to make clear that a handkerchief is not an article of wearing apparel in the sense of the act.

"Although the legislative history makes clear that scarfs of some kinds at least were included within the terms of the act, industry experts point out that the only ones which present unusual hazards and are highly dangerous are the ones which are

not made of plain-surface fabrics. Furthermore, there is no indication that scarfs have been made of cotton or rayon fabrics having fuzzy or furlike surfaces which flash and burn with exceeding rapidity, but if they were, they would still come under the testing procedures of the act under my bill. Handkerchiefs and scarfs are used primarily as accessories and not as regular clothing. A handkerchief can easily and quickly be discarded or dropped if it burns rapidly. The same observation applies to scarfs, except that they may take a little more time to remove. However, if scarfs are made of plain-surface fabrics, according to industry experts, the burning time is slow enough to allow the person to discard them.

"With the exemption of handkerchiefs and scarfs from the act, the problem of silk is largely solved. Sample flammability tests on silks were recently conducted with the following results:

Weight of silk:	Flame spread (seconds)
3 momme.....	3.0
4 momme.....	3.3
5 momme.....	4.1
8 momme.....	5.0

"As only those fabrics which burn in less than 4 seconds are banned by the act, 5-momme silk would generally pass the present tests. Four momme and three momme silk (sheer silk) is imported in large quantities into this country primarily for handkerchiefs and scarfs. Experts point out that while 3 momme and 4 momme silk under present tests burns in less than 4 seconds, silk has the characteristics of ceasing to burn when the flame is removed from the material. Therefore, it presents much less of a hazard than pile synthetic materials or brushed rayon. The fact is that silk for handkerchiefs and scarfs were used down through the years without their ever being considered hazardous. The same is true of the use of other plain-surface fabrics when used for handkerchiefs and scarfs.

"On the other hand, except for handkerchiefs and scarfs, it is my belief that silk and other plain-surface fabrics, like any other fabric which burns in less than 4 seconds under the test conditions outlined in my bill, should not be used in the manufacture of articles of wearing apparel. To the extent that 3 momme or 4 momme silk or other plain-surface fabrics may be banned from use in shirts, nightgowns, and other wearing apparel, that is the price of safety which we must exact from the producers of these materials as we do from the producers of other materials banned by the act. We will not compromise with public safety.

"The only other amendment added by my bill is a change in the conditions under which the present flammability tests are conducted. I have already pointed out that we are surprised that certain conventional fabrics, such as organdie, batiste, veils, nettings, etc., with a long record of safety performance are now banned by the present tests. Industry representatives and experts point out that the reason is that samples are not tested under the conditions existing where those materials are generally worn. At present, samples are tested bone dry. My bill would require samples to be tested under the normal conditions under which articles of clothing are generally worn, namely, in room temperature with average humidity. Experts have advised me that, when so tested, conventional fabrics such as organdies, batistes, veils, nettings, etc., will pass the test, although silk would not be materially helped by this change. I believe this result will be more in keeping with the professed purposes of the Flammable Fabrics Act.

"I intend to send this bill to the Federal Trade Commission and to the Department of Commerce by special messenger for a quick appraisal of its merits and I will welcome any recommendation on their part for im-

provement of the bill. As soon as I obtain their views I intend to call a meeting of the subcommittee to consider this urgent problem. This may take place early next week."

INQUIRY INTO COMPLAINTS AGAINST THE FLAMMABLE FABRICS ACT

Senator WILLIAM A. PURTELL, Republican, of Connecticut, chairman of the Subcommittee on Business and Consumer Interests of the Senate Interstate and Foreign Commerce Committee, announced today that his group is looking into numerous complaints that the Flammable Fabrics Act (Public Law 88, 83d Cong., approved June 30, 1953, effective June 30, 1954) will unduly cripple certain segments of the textile industry.

Senator PURTELL said: "This month, the full committee and our subcommittee have received numerous letters to the effect that this act, if it is allowed to become effective on schedule, on June 30 of this year, will cause severe hardship to many business firms engaged in the importation and distribution of lightweight cotton, rayon, and silk textile fabrics, as well as to domestic manufacturers and distributors of some sheer fabrics which have long been used with safety by the American consumer. We are looking into these complaints and, if we find that they are justified, we will find a solution and recommend whatever action is necessary to the full committee." The Senator explained that the matter was considered in a subcommittee meeting on April 14. As a result, discussions are going on between the staffs of the subcommittee, the Federal Trade Commission, and the Department of Commerce to determine whether an administrative solution to the problem is feasible and in the public interest. "The results of initial exploration into the feasibility of an administrative remedy are not too encouraging," Senator PURTELL said. "The act is quite specific upon the standard of flammability, and if we find that it is unduly restrictive, we may have to amend it," he added.

In closing, Senator PURTELL stated: "It may well be that section 4 of the act, in incorporating Commercial Standards 191-53 and 192-53 by reference, went further than the professed purposes of the act, and that the present testing procedures are in need of some revision because they do not distinguish properly between the flash-burning type of fabrics and those that have been safely worn for generations. If the subcommittee finds this to be the case it will call upon the Bureau of Standards and the industry to recommend or develop more suitable testing procedures to prevent the banning of conventional fabrics that present no unusual hazards and which have been worn safely down through the years. However, I wish to serve notice that our subcommittee will not compromise with the public safety and that no postponement of the effective date of the act or weakening of the act will be recommended at the risk of allowing those special types of fabrics to be sold which present unusual hazards and are highly dangerous. Industry itself, generally, would object to our inviting this risk."

The complete text of the Senator's statement is as follows:

"For several years past there have been shocking instances of deaths and serious bodily harm caused by wearing apparel of highly flammable textiles. Until last year, it was not too unusual to pick up a newspaper and read of burnings and even deaths suffered by children when wearing highly flammable cowboy or Halloween suits or by adults wearing so-called explosive sweaters. One would read of a man driving his automobile and lighting a cigarette, with the result that the sweater burst into flames and seriously injured him; or of high school girls at a prom suffering similar harm while wearing a tulle dress, or at home when clad

with a cotton chenille dressing gown; or of a woman wearing nitrocellulose buttons on her dress while sitting in front of a chafing dish, with the result that the buttons practically exploded in her face and set her afire. I could give instances ad nauseam. Some of these incidents happened in waves. Accordingly, an outraged public demanded that something be done to put a stop to this menace. Bills were introduced in several State legislatures to protect the public from this danger, but they were opposed by the wearing-apparel industry who joined in the chorus for Federal legislation in order to protect the industry from the requirements of possibly conflicting and diverse regulations by the various State and communities.

"Bills to prohibit the transportation in interstate commerce of highly flammable fabrics and wearing apparel were introduced in the House of Representatives of the United States beginning with the 79th Congress, 1st session (1945). In the 80th Congress (1947-48), the House Committee on Interstate and Foreign Commerce held extensive hearings on three flammable fabrics bills. Similar bills were introduced during the 81st and 82d Congresses. In the 82d Congress, the Senate passed unanimously on July 3, 1952, S. 2918, a bill which had many of the features of the present law. The House committee also reported the bill, but the House took no action upon it prior to the adjournment of the Congress.

"On April 16, 28, and 29, 1953, the House Committee on Interstate and Foreign Commerce held public hearings on 5 similar bills. The principal objective of all these bills was to prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals.

"The present law originated from H. R. 5069, which was introduced by Congressman WOLVERTON, chairman of the House committee, at the direction of the committee, as a 'clean' bill as a result of the committee hearings and after executive consideration of all the bills pending before the committee.

"Every witness who testified before the committee, without exception, representing virtually all segments of the textile industries and trades, urged prompt and effective Federal legislation to protect the public from the dangers of highly flammable wearing apparel and fabrics used in wearing apparel, and supported these bills in principle. Moreover, the committee was urgently requested to take prompt action on this legislation. It was pointed out that if this legislation was not enacted, a variety of State and local regulations lacking in uniformity might well ensue.

"Testimony in support of legislation on this subject was received from the Federal Trade Commission, the National Cotton Council of America, the National Retail Dry Goods Association, the Tufted Textile Manufacturers Association, the Society of the Plastics Industry, the Rayon and Acetate Fiber Producers, and others. These expert witnesses were helpful in suggesting accurate language for the legislation. H. R. 5069, while substantially similar to the bill that this committee had reported favorably the preceding year, represented a distinct improvement over that measure, especially in section 4, concerning the standard of flammability. Our committee reported favorably this improved version and it became the present law on June 30, 1953.

"Section 4 of the Flammable Fabrics Act prescribes the standards of flammability. Commercial standard 191-53, promulgated by the Secretary of Commerce effective January 30, 1953, prescribed the standard for flammability of clothing textiles and commercial standard 192-53, promulgated by the Secretary of Commerce effective May 22,

1953, prescribed the standard of flammability for vinyl plastic film.

"Commercial standard 191-53 was developed as a voluntary standard through the combined effort of a number of scientific and technical groups and represents the combined opinion of an industry committee speaking for the cotton and rayon producers, and fabric manufacturers, finishers, converters, wholesalers, retailers, and consumers coordinated by the American Association of Textile Chemists & Colorists and the National Retail Dry Goods Association. The National Bureau of Standards participated in this work by active service on technical committees, by the conduct of a wide variety of investigational and testing work, and by aiding in the reconciliation of different points of view.

"The flammability test provided in the commercial standard 191-53 makes use of strips of fabric 2 by 6 inches in dimensions. The test consists of measuring the burning time in seconds when the test piece is mounted in a specially designed apparatus and a flame is applied in a prescribed manner. Fabrics with a flame spread of more than 7 seconds are classed as having normal flammability. Those with a flame spread of less than 4 seconds are classed as rapid and intense burning, while those burning in 4 to 7 seconds are rated as having intermediate flammability. The law is directed to those fabrics which are classed as rapid and intense burning fabrics.

"Commercial standard 192-53 is the industry-approved standard with respect to vinyl plastic film. Such film is used in the manufacture of various articles of wearing apparel such as raincoats, capes, hoods, pants, and aprons. The flammability test is prescribed in paragraph 3.11 of this standard.

"Section 4 of the act provides for reports by the Secretary of Commerce if he at any time finds that the commercial standard referred to becomes inadequate. The Senate report on this bill made clear our intent that the 'Secretary of Commerce shall make continuous studies of the suitability and effectiveness of these and related test methods.'

"I have outlined the history, scope, and standards of this law at some length in order to show that the provisions of the law were not adopted arbitrarily or without serious reflection.

"This month the full committee and our subcommittee have received numerous letters to the effect that this act, if it is allowed to become effective on schedule, on June 30 of this year, will cause severe hardship to many business firms engaged in the importation and distribution of lightweight cotton, rayon, and silk textile fabrics, as well as to domestic manufacturers and distributors of some sheer fabrics which have long been used with safety by the American consumer.

"The question suggests itself at this point, why did not the affected industry call these alleged defects in the law to the attention of the Senate and House committees? One correspondent answers this question as follows:

"Businessmen engaged in the distribution of established types of textiles knew vaguely that Federal legislation had been under consideration for several years to prohibit the sale of fabrics and wearing apparel which, in the language of the act are so highly flammable as to be dangerous when worn by individuals. It may be safely said that the business community is strongly in favor of such legislation. The general understanding, however, was that the act merely applied to fabrics and articles of wearing apparel which will ignite and burn in a flash when they come in contact with a flame or a cigarette. It is only in recent months that busi-

nessmen have come to realize, as a result of laboratory tests conducted pursuant to the method prescribed in commercial standard 191-53, that many textile fabrics which have never been involved in a flash burning episode will be classed as dangerously flammable under the Flammable Fabrics Act, and thus not legally salable after June 29, 1954.

"Our subcommittee has heard mostly from businessmen in the silk trade who say that they were convinced that the act was passed to protect the public from fabrics which burn intensely and in a flash, such as brushed rayon and other synthetic pile fabrics, and that they never believed that the act would be applicable to silk, because it is a historical fact that silk has been imported into the United States for over 100 years, and to their knowledge the fabric made from it has never endangered a person.

"It was not until silk was tested under the standards set forth by Commercial Standard 191-53, which were incorporated specifically in the act, that it was discovered that the provisions of the act would be applicable to silk. As far as is known, there is no practicable method to render silk fireproof which will not make it lose its appealing softness and luster. Intensive tests are presently being conducted by competent chemical firms in an attempt to solve this problem, but they will need time to conduct their tests and research. Because silk is frequently made into thin fabrics, such as fine sheers, chiffons, silk stockings, etc., it will be affected by the strict standards of flammability contained in the act. Some businessmen estimate that the law as it is now written will cause the banishment of 75 percent of the silk scarves and silk fabrics which until the present have been imported from Japan. One New York company alone estimates that enforcement of the act will amount to virtual confiscation of large quantities of merchandise which it has had on hand, some for as long as 3 years or more, the total of which will amount to hundreds of thousands of dollars.

"It is easy to understand that the act has an effect now, even before its effective date, as prospective customers are unwilling to buy certain materials from wholesalers, and even retail outlets are left holding on to large stocks which they carried over from previous seasons. Furthermore, many companies, in order to prepare for the fall season this year, made extensive purchases of affected materials—for instance, in Japan—and have established irrevocable letters of credit for payment. It goes without saying that the economy of Japan is directly affected, as it is the largest producer of sheer fabrics made of silk. Light-weight silk materials constitute over 50 percent of Japan's export of silk to the United States. The main end use of these materials is silk scarves and veiling which American women use as accessories to their usual articles of clothing.

"To a lesser extent, the subcommittee has heard from domestic manufacturers and distributors of sheer fabrics, such as organdie fabrics and netting for evening dresses, which, it is claimed, have had a good record for 50 years. Laboratories are experimenting with tests to determine the flammability of fabrics. The subcommittee has been informed by the industry that there are now available only about 125 testing machines to make the required tests, and the laboratories report a heavy backlog of a great variety of fabrics still to be tested. It is doubtful that tests can be completed on a great many types of fabrics prior to the present effective date of the act.

"Furthermore, the industry advises us that most of the light-weight fabrics which do not meet the present tests can be treated with flame-retarding finishes, but such finishes will cause a deterioration of the fabric in a relatively short time, and will also cause the color of the fabric to become yellowish

or gray in a few months. The chemists in the finishing industry are trying to develop a more satisfactory flame-retarding finish, but it will take quite some time to accomplish this. In most cases it is not possible to refinish goods now in inventory, and certainly nothing can be done about fabrics already made up into wearing apparel.

"The matter was considered in a subcommittee meeting on April 14, 1954. As a result, discussions are going on between the staffs of the subcommittee, the Federal Trade Commission, and the Department of Commerce to determine whether an administrative solution to the problem is feasible and in the public interest. The results of initial exploration into the feasibility of an administrative remedy are not too encouraging. The act is quite specific upon the standard of flammability, as I have already shown. Commercial Standard 191-53 was rigidly incorporated into the act, with the express additional inclusion of hats, gloves, and footwear.

"From the start, the industry objected to complete discretion being lodged in a Federal official or agency, such as in the Secretary of Commerce or in the Federal Trade Commission.

"When a forerunner of the act was first introduced (H. R. 3851, 83d Cong.), it contained a provision to the effect that when in his opinion the protection of the public interest so required, the Secretary of Commerce was authorized to modify or supplement the test standard of flammability provided he followed the procedure used in setting up commercial standard 191-53. Many people in industry and in the Government felt that the Secretary of Commerce should not have that authority. The Federal Trade Commission sounded the death-knell of this provision when it wrote on April 9, 1953, to the chairman of the House committee upon this point, as follows:

"This requirement would prohibit the Secretary of Commerce from modifying or supplementing the test unless he obtained the consent of 65 percent of the industry or at least of a majority, which is a requirement of the commercial standard procedure. Such presents an unprecedented situation of having the standard of legality or illegality under a penal and civil statute turn upon the consent of the industry to which the legislation applies."

"That flexible approach raised serious constitutional doubts of the constitutionality of the legislation. Accordingly, the House and Senate committees wrote the existing standards developed by industry specifically into the act, as I have explained above.

"Our subcommittee has been informed that on some types of conventional fabrics that have already been tested, the burning rate is between 3.2 seconds and 3.9 seconds, although these fabrics have never been known to catch fire when worn by individuals. I have already pointed out that, under commercial standard 191-53, which is incorporated by reference into the act, fabrics with a flame spread of less than 4 seconds are classed as rapid and intense burning and banned from importation, transportation, or sale in interstate or foreign commerce.

"There is no doubt that the act was aimed primarily at the banning of fabrics which burn intensely and in a flash. H. R. 5069, which became the present law (Public Law 88, 83d Cong.), was entitled 'To prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals, and for other purposes.'

"The Senate and House reports, in discussing the purpose of the legislation, state:

"The purpose of the bill * * * is to protect the public from the danger surrounding the use in wearing apparel of highly flam-

mable textiles of the types which have caused either bodily injury or death to numerous individuals. The bill is limited in scope to wearing apparel and fabrics which are intended or sold for use in wearing apparel. It will outlaw, for example, the introduction, movement, or sale in interstate commerce of highly flammable children's cowboy playsuits, and the so-called torch sweaters or jackets which have caused serious injuries and death to a number of innocent and unsuspecting individuals in recent years.' (See H. Rept. No. 425, and S. Rept. No. 400, 83d Cong., 1st sess.)

"In discussing the standards of flammability, those reports state:

"The major problem in formulating legislation to control the use of dangerously flammable textiles is to discriminate between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous."

"It may well be that section 4 of the act, in incorporating commercial standards 191-53 and 192-53 by reference, went further than the professed purposes of the act, and that the present testing procedures are in need of some revision because they do not distinguish properly between the flash-burning type of fabrics and those that have been safely worn for generations. If the subcommittee finds this to be the case, it will call upon the Bureau of Standards and the industry to recommend or develop more suitable testing procedures to prevent the banning of conventional fabrics that present no unusual hazards and which have been worn safely down through the years. However, I wish to serve notice that our subcommittee will not compromise with the public safety and that no postponement of the effective date of the act or weakening of the act will be recommended at the risk of allowing those special types of fabrics to be sold which present unusual hazards and are highly dangerous. Industry itself, generally, would object to our inviting this risk."

DEPARTMENT OF STATE,

Washington, April 27, 1954.

The Honorable WILLIAM A. PURTELL,
Chairman, Subcommittee on Business
and Consumer Interests, Interstate
and Foreign Commerce Committee,
United States Senate.

DEAR SENATOR PURTELL: The Department is gratified to learn of your announcement on April 20 that the Subcommittee on Business and Consumer Interests of the Senate Interstate and Foreign Commerce Committee is looking into numerous complaints that the Flammable Fabrics Act (Public Law 88, 83d Cong., approved June 30, 1953, effective June 30, 1954) will unduly cripple certain segments of the textile industry. Similar complaints have been made to the Department in recent months, particularly by representatives of the Japanese Embassy and by importers of Japanese silk fabrics and silk articles such as handkerchiefs and scarfs. As your press release points out, the economy of Japan would be directly and substantially affected by the banishment of perhaps 75 percent of the silk scarfs and silk fabrics which until the present have been imported from Japan. The Department is also aware that the Flammable Fabrics Act is a matter of concern to French, Swiss, and Italian exporters of sheer fabrics and to the domestic importers and distributors of these materials.

The Department endorses your view that there should be no compromise with the public safety and that no postponement of the effective date of the act or weakening of the act should be recommended at the risk of allowing those special types of fabrics to be sold which present unusual hazards and are highly dangerous. The press release issued by your subcommittee contains a clear statement of the problems involved in preventing

loss of life or serious injury from wearing apparel made of highly flammable textiles without creating severe hardship to domestic and foreign trade in materials which have long been used with safety by the American consumer. The program being undertaken by the subcommittee and your statement concerning the possible need for amendment of the act, if it is found to be unduly restrictive and if no administrative remedy is available, should help to allay the concern of both foreign and domestic interests concerning the effect of the act.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary.

EMBASSY OF JAPAN,
Washington, D. C., April 23, 1954.
The Honorable WILLIAM A. PURTELL,
United States Senate.

DEAR SENATOR PURTELL: I am writing you to express my appreciation of your recent statement concerning the Flammable Fabrics Act and the severe hardship it will cause to certain segments of the textile business, especially the silk trade. Your recognition that the congressional intent in passing the act was not to prohibit the sale of traditional fabrics which have been used safely for years, but was rather to prevent the use of dangerously flammable textiles with a flash-burning rate, has been most encouraging to the Japanese people.

The people of Japan view with complete and sympathetic understanding the efforts of the Congress of the United States to protect the American public from the recurrence of the recently publicized and most unfortunate accidents. They recognize the need for a protective law but are hopeful that the legislation may be so drafted or interpreted as to permit the import of sheer silk manufactures, which have a long history of safe use.

As you know, silk fabrics and manufactures are among the most important exports from Japan to the United States. Any substantial reduction in this trade, even though unintentional, would be a serious blow to my country's attempt to attain economic stability.

I wish to you and your subcommittee success in your endeavor to limit the effects of the act to textiles which are truly dangerous. Again may I state the thanks of the Japanese people for your understanding approach to their problem.

Sincerely yours,

SADAO IGUCHI,
Ambassador.

AMENDMENT OF LABOR MANAGEMENT RELATIONS ACT, 1947— AMENDMENT

Mr. GOLDWATER submitted an amendment intended to be proposed by him to the bill (S. 2650) to amend the Labor Management Relations Act, 1947, and for other purposes, which was ordered to lie on the table and to be printed.

PROPOSED CAPITAL GAINS TAX ON FOREIGN TRADERS

Mr. GILLETTE. Mr. President, in the report submitted by the Senate Committee on Agriculture and Forestry on August 23, 1950, covering the investigations of coffee prices which the Subcommittee on Utilization of Farm Crops conducted during 1949-50, appeared this sentence:

About 50 percent of the long position in coffee on the New York Coffee and Sugar

Exchange, Inc., as of March 31, 1950, was owned by foreign interests, and fully 30 percent controlled through one broker in Brazil."

Among the several recommendations which the committee made in its report was this one:

No. 6: That in order to curb the undesirable speculation now existing in dealing in coffee futures the revenue laws of the United States be amended so as to tax profits of foreign interests made on the commodity exchanges of the United States.

In the appendix of the report appeared a draft of an amendment to the Internal Revenue Code which the committee recommended be adopted by the Congress. As no Member of the House of Representatives has yet offered this type of an amendment, and in view of the fact that the tax revision bill is now pending before the Senate Finance Committee, I am today submitting this proposal in the form of an amendment to H. R. 8300 for the consideration of the Finance Committee and of the Senate.

The amendment would impose on the capital gains of nonresident foreign individuals, partnerships or corporations, not engaged in trade or business in the United States, a tax of 30 percent of the amount by which such gains, derived from sources within the United States, from sales or exchanges, exceed losses, allocable to sources within the United States, from such sales or exchanges.

Because of the unfortunate fact that neither the Senate Banking and Currency Committee investigation of the recent price rise in coffee nor the Federal Trade Commission investigation of the same subject has been completed, it is impossible to know to what extent the situation that existed in 1950 still holds at the present time. But it is incontrovertible, I believe, that during the price rise of this past December and January foreign speculators were extremely active on the coffee exchange. They have unquestionably earned tremendous profits from their operations and the least the American people can expect, if they cannot be protected from such raids on their pocketbooks, is that those who earn these fortunes from speculating on our commodity exchanges should have to pay a fair tax to our Federal Treasury.

I now submit amendments intended to be proposed by me to the bill (H. R. 8300) to revise the internal revenue laws of the United States, and ask that they be referred to the Committee on Finance.

The PRESIDING OFFICER. The amendments will be received and printed, and will be referred to the Committee on Finance.

AMENDMENT OF LABOR MANAGEMENT RELATIONS ACT, 1947— MINORITY VIEWS

Mr. MURRAY. Mr. President, I ask unanimous consent that the views of the minority on Senate bill 2650, to amend the Labor Management Relations Act, 1947, and for other purposes, may be submitted and printed during the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVIEW OF DECISIONS OF GOVERNMENT CONTRACTING OFFICERS IN CERTAIN CASES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 24) to permit review of decisions of Government contracting officers involving questions of fact arising under Government contracts in cases other than those in which fraud is alleged, and for other purposes, which were to strike out all after the enacting clause and insert:

That no provision of any contract entered into by the United States, relating to the finality or conclusiveness of any decision of the head of any department or agency or his duly authorized representative or board in a dispute involving a question arising under such contract, shall be pleaded in any suit now filed or to be filed as limiting judicial review of any such decision to cases where fraud by such official or his said representatives or board is alleged: *Provided, however,* That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

SEC. 2. No Government contract shall contain a provision making final on a question of law the decision of any administrative official, representative, or board.

And to amend the title so as to read: "An act to permit review of decisions of the heads of departments, or their representatives or boards, involving questions arising under Government contracts."

Mr. McCARRAN. Mr. President, this is a bill which passed the Senate on June 8, 1953, and which has now been passed by the House, in amended form.

The purpose of the proposed legislation is to overcome the inequitable effect, under the decision of the Supreme Court in the Wunderlich case, of language in Government contracts which makes the decision of the contracting officer or the head of the agency final, with respect to questions of fact. To put it another way, the objective of this bill is to preserve the right of review by the courts in cases involving action by a contracting officer which is arbitrary, capricious, fraudulent, or so grossly erroneous as necessarily to imply bad faith.

The language of the House bill, while quite different from the language approved in the Senate, is designed to accomplish the same purpose. It is my understanding the Department of Justice takes the view that the House language will accomplish the same purpose as the Senate language. It is my further understanding that the Comptroller General of the United States has expressed complete satisfaction with the House language, and has declared that in his opinion it will accomplish the purposes sought to be served by the Senate language.

As author of the Senate bill, I want to say that I am not sure that the House language gives protection as complete as that which would have been given under the language approved by the Senate. However, I am willing to go along with the House language, in view of the assurances which I have mentioned, and the further fact that so far as I know,

all others interested in this legislation are satisfied with the language approved by the House.

Accordingly, Mr. President, I now move that the Senate concur in the House amendments to the bill S. 24.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada [Mr. McCARRAN].

Mr. CASE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. CASE. Can the Senator from Nevada tell us how the assurance was given that the bill was satisfactory to the General Accounting Office? Would the Senator kindly restate the assurance which he voiced with reference to the opinion of the General Accounting Office?

Mr. McCARRAN. The General Accounting Office is satisfied with the language in the House bill. It has assured me of that.

Mr. CASE. The Comptroller General has assured the Senator from Nevada on that point?

Mr. McCARRAN. That is correct; otherwise I would not care to go along.

Mr. CASE. Mr. President, I have no objection.

Mr. THYE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. THYE. As I understand, the bill was passed by the Senate, and a similar bill was passed by the House. The only question involved is a modification of the language in the Senate bill, and the two bills agree in their effect, so to speak?

Mr. McCARRAN. That is correct.

Mr. THYE. There is nothing else of a legislative nature involved. Is that correct?

Mr. McCARRAN. That is correct.

Mr. THYE. I cannot see any objection to the enactment of the legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada [Mr. McCARRAN].

The motion was agreed to.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the Appendix, as follows:

By Mr. BEALL:

Manifesto to the Bulgarian people, in honor of the 75th anniversary of the Tirnovo Constitution, to be broadcast over Radio Free Europe.

By Mr. McCARRAN:

Article entitled "Pilot Error and Those Unanswered Questions," written by Ed Modes, editor of Airline Pilot, and published in the Airline Pilot for March 1954.

Address delivered by Clarence N. Sayen before Flight Safety Foundation at the Bermuda Air Safety Seminar, on the subject of Organization for Flight Safety.

Address delivered by Edward S. Meaney, Director of the Visa Office of the Department of State, before 24th annual conference of National Council on Naturalization and Citizenship, in New York, N. Y., on April 2, 1954.

By Mr. JOHNSON of Texas:

Prize essay entitled "What Makes America Great?"

By Mr. JOHNSON of Colorado:

Article entitled "Our Disgrace in Indochina," written by William Worthy, Jr., of recent date.

Letter from Henry Wales, appearing in the Chicago Daily Tribune of April 28, 1954.

By Mr. KEFAUVER:

Statement entitled "The 1953-54 Recession: The Paradox of Efficiency," by E. G. Shinner, chairman, the Shinner Foundation, Chicago, Ill.

By Mr. ROBERTSON:

Letter addressed to himself by Joseph A. Jordan, Jr., of Norfolk, Va., a wounded veteran of World War II, expressing appreciation for the privilege of completing his college education under the GI Act.

By Mr. MURRAY:

Letter addressed to American Medical Association by a veteran, alleging unjustified investigation of personal financial status.

Article published in the Montana Legionnaire for April 1954 dealing with Veterans' Administration medical program.

By Mr. THYE:

Article entitled "Dairy Shockers," written by Alfred D. Stedman, and published in the St. Paul Pioneer Press of April 25, 1954.

ARMORING THE SUPREME COURT—EDITORIAL FROM THE WASHINGTON POST AND TIMES-HERALD

Mr. BUTLER of Maryland. Mr. President, on Saturday April 17, 1954, there appeared in the Washington Post and Times-Herald an editorial entitled "Armoring the Supreme Court." Within the next 2 weeks, Mr. President, debate will open on the floor of the Senate on Senate Joint Resolution 44, which I introduced in February 1953. The joint resolution has for its purpose the strengthening of the Supreme Court, both as to its composition and as to its jurisdiction. Accordingly, I ask unanimous consent that the editorial be printed at this point in the body of the RECORD, as a part of my remarks, for the information of the Senate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARMORING THE SUPREME COURT

Too little attention has been given to the proposed constitutional amendment reported out by the Senate Judiciary Committee recently to buttress the independence of the Supreme Court. As the Court is now functioning smoothly, there is a strong disposition to let well enough alone. Some critics of the proposal also fear that it might cast the Court into too rigid a mold. In our opinion, however, a strong case can be made for fortifying the independence of the Court in those spots where it has been attacked in the past.

History has amply demonstrated that the Founding Fathers, while creating an independent Supreme Court left some gaping holes in its armor. The most notorious of these is the power of Congress to change the number of Justices and thus enable the President and Senate indirectly to influence the opinions of the Court. The second grave defect is the constitutional phrase which enables Congress to take away the Court's appellate jurisdiction. On one regrettable occasion in 1868 Congress exercised this power to prevent the Court from hearing an appeal involving a writ of habeas corpus. In effect, then, enforcement of the Bill of Rights is left to the discretion of Congress.

This bit of history should be well remembered when the proposed amendment comes up for debate. An editor named McCardie sought a writ of habeas corpus after being arrested by the military in the post-Civil-War period and held for trial before a military commission on charges that he had published libelous and incendiary articles. When his petition was denied by the lower courts, he appealed to the Supreme Court. But before his case could be decided by that tribunal, Congress passed a law denying it the right to hear appeals in habeas corpus cases. The Court then acknowledged the right of Congress to determine the extent of its appellate jurisdiction and refused to decide the case.

The proposed amendment would prevent such legislative invasions of the judicial sphere by specifically giving the Court appellate jurisdiction, both as to law and fact, "in all cases arising under this Constitution." Congress might then limit appeals to the Supreme Court in cases involving Federal statutes, but it could not undermine the Constitution by preventing enforcement of its guaranties in the highest Court in the land.

No less important is the section permanently fixing the membership of the Supreme Court at nine. This will be generally interpreted as a Republican effort to prevent any repetition of President Roosevelt's efforts to pack the Court in 1937. It is probably more significant, however, as a means of preventing the kind of congressional interference with the Court that occurred in the Andrew Johnson administration. Congress reduced the number of Justices from 9 to 7 to prevent the President from having any opportunity to appoint Justices who might favor his policies. This was court-packing in reverse.

Two other provisions have been included in the proposed amendment. It would force the retirement of all Supreme Court Justices at the age of 75 and make any Justice ineligible to serve as President unless he had been off the bench at least 5 years. The 75-year cutoff might occasionally deprive the Court of an Oliver Wendell Holmes, but it would more frequently force out men no longer capable of carrying the arduous burden of a Supreme Court Justice. Five years probably is too long a period to make a Justice wait if he wishes to resign and try for the Presidency, but the idea of discouraging political ambitions on the Bench is sound. Not only that Justices sometimes need protection from politicians who are inclined to "raid" the Supreme Court. To our way of thinking the advantages that would flow from the amendment outweigh the argument against cluttering the Constitution with details.

COMMERCE DEPARTMENT REPORT ON MARITIME SUBSIDY POLICY

Mr. BUTLER of Maryland. Mr. President, the Commerce Department's report on Maritime Subsidy Policy, based upon its extensive study in the light of present national requirements for a merchant marine and a shipbuilding industry, will be presented to the Senate Water Transportation Subcommittee on Monday next, at 2:30 p. m., in room G-16 of the Capitol.

In view of the long-range significance of the report, its importance to American shipping, and the assistance it undoubtedly will afford to Members of Congress of both Houses in connection with future legislative proposals regarding the maritime industry, our subcommittee has invited the members of the House Mer-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued
For actions of

May 13, 1954
May 12, 1954
83rd-2nd, No. 87

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HIGHLIGHTS: House committee announced plans to draft omnibus farm-program bill. Senate debated bill to expedite ICC rate decisions. Sen. Young spoke favoring Agriculture Yearbook. Sen. Frear introduced and discussed bill to insure farm incomes against certain losses. Sen. Johnston (S.C.) introduced bill for Federal pay increases.

HOUSE

1. FARM PROGRAM. Following an executive meeting of the Agriculture Committee, Chairman Hope made the following statement: "The committee met for the purpose of discussing the matter of a general farm bill, and a motion was made to have the committee begin work on an omnibus bill, without any decision having been reached with regard to what subjects are to be included in the general farm bill and without any vote on what subjects are to be included in the bill. The staff was instructed to prepare and report to the committee, at a later date, a summary of subjects and titles that might be included in the omnibus bill, as well as any other subjects that have been considered and discussed in our hearings and are properly before the committee at this time, in the nature of a farm program. The committee agreed that the bill would cover a number of subjects without any decision as to what subjects are to be included." (p. D517.)
2. EDUCATION. Passed, 296-55, with amendment H. R. 9040, to authorize cooperative research in education (pp. 6112-30).
Began debate on H. R. 7434, to establish a National Advisory Committee on Education (pp. 6130-6).
3. RAISINS. Rep. Hunter spoke in commemoration of National Raisin Week (p. 6105).

SENATE

4. AGRICULTURE YEARBOOK. Sen. Young spoke favoring continuation of the Agriculture Yearbook and inserted an article by A. D. Stedman (p. 6081).
5. SOIL CONSERVATION. During consideration of the general tax revision bill, H. R. 8300, the Finance Committee agreed to the House provision (Sec. 175) relating to expenditures for soil and water conservation, but made "certain technical amendments making it clear, for example, that the provision applies to earthen dams.

not subject to depreciation and to the construction, as well as the control and protection, of watercourses, outlets, and ponds" (p. D514).

Foreign

6. FLAMMABLE FABRICS. The Interstate and Commerce Committee reported without amendment S. 3379, to amend the Flammable Fabrics Act so as to exempt fabrics and wearing apparel not highly flammable (S. Rept. 1323) (p. 6079).
7. ELECTRIFICATION. Sen. Humphrey inserted a Farmers Union local resolution favoring Federal power projects for benefit of REA cooperatives (p. 6078). He also inserted a local Rural Cooperative Power Association resolution favoring adequate REA funds (p. 6078).
8. DAIRY PRICE SUPPORTS. Sen. Humphrey inserted a Brimson Cooperative Association resolution favoring 90% dairy supports (p. 6079).
9. ANIMAL DISEASES. Sen. Humphrey inserted a Minn. Tuberculosis and Health Assn. resolution opposing reduction of Federal appropriations for tuberculosis control (p. 6078).
10. TRANSPORTATION. Continued debate on S. 1461, to expedite ICC action upon applications of certain common carriers for rate increases, agreeing to all committee amendments and to Sen. Douglas' amendment to eliminate language which would have changed the basis of rate making so as to enable higher rates (pp. 6083-101). Sen. Aiken discussed with Sen. Bricker the trip-leasing bill, H. R. 3203, and urged action upon it (pp. 6099-100).
The Interstate and Foreign Commerce Committee reported with amendments S. 602, to authorize the Treasury Department to prescribe safety rules for the loading, etc., of grain and other bulk cargoes (S. Rept. 1324) (p. 6079).
11. LEGISLATIVE PROGRAM. Sen. Knowland announced that today, following disposition of the transportation bill, the Senate is expected to consider several bills, including the emergency farm loans proposal, the Treasury-Post Office appropriation bill, and the surplus fish bill (p. 6083).

BILL APPROVED BY THE PRESIDENT

12. CONTRACTS. S. 24, to permit court review of decisions of Government contracting officers involving questions of fact arising under Government contracts in cases other than those in which fraud is alleged. Approved May 11, 1954 (Public Law 356, 83rd Cong.).

BILLS INTRODUCED

13. FARM-INCOME INSURANCE. S. 3442, by Sen. Frear, to stabilize farm incomes by providing a system of insurance to indemnify farmers against certain losses occurring in the operation of their farms; to Agriculture and Forestry Committee (p. 6079). Remarks of author (p. 6080).
14. PERSONNEL. S. 3443, by Sen. Johnston (for himself and others), to increase the pay of Federal employees; to Post Office and Civil Service Committee (p. 6079).
H. R. 9107, by Rep. Barrett, to confer jurisdiction upon the Court of Claims to consider certain claims for basic and overtime pay; to Judiciary Committee (p. 6143).

EXEMPTION FROM FLAMMABLE FABRICS ACT OF
FABRICS AND WEARING APPAREL NOT HIGHLY
FLAMMABLE

MAY 12 (legislative day, APRIL 14), 1954.—Ordered to be printed

Mr. PURTELL, from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

[To accompany S. 3379]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3379) to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill, as its title indicates, is to exempt from the Flammable Fabrics Act fabrics and wearing apparel which are not highly flammable. In order to achieve this result, the bill adjusts the standard of flammability in order to discriminate more effectively between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous. Thus this bill is consistent with the original intent of Congress in enacting the Flammable Fabrics Act. This was the unanimous opinion of Government and industry experts at a hearing held upon this measure by your committee's Subcommittee on Business and Consumer Interests on May 11, 1954.

GENERAL LEGISLATIVE BACKGROUND

For several years past there have been shocking instances of deaths and serious bodily harm caused by wearing apparel of highly flammable textiles. Until last year, it was not too unusual to pick up a newspaper and read of burnings and even deaths suffered by children when wearing highly flammable cowboy or Halloween suits or by adults wearing so-called explosive sweaters. One would read of a man driving his automobile and lighting a cigarette, with the result that the

sweater burst into flames and seriously injured him; or of high-school girls at a prom suffering similar harm while wearing a tulle dress, or at home when clad with a cotton chenille dressing gown. Your committee could give instances ad nauseam. Some of these incidents happened in waves. Accordingly, an outraged public demanded that something be done to put a stop to this menace. Bills were introduced in several State legislatures to protect the public from this danger, but they were opposed by the wearing-apparel industry who joined in the chorus for Federal legislation in order to protect the industry from the requirements of possibly conflicting and diverse regulations by the various States and communities.

Bills to prohibit the transportation in interstate commerce of highly flammable fabrics and wearing apparel were introduced in the House of Representatives of the United States beginning with the 79th Congress, 1st session (1945). In the 80th Congress (1947-48), the House Committee on Interstate and Foreign Commerce held extensive hearings on three flammable fabrics bills. Similar bills were introduced during the 81st and 82d Congresses. In the 82d Congress, the Senate passed unanimously on July 3, 1952, S. 2918, a bill which had many of the features of the present law. The House committee also reported the bill, but the House took no action upon it prior to the adjournment of the Congress.

On April 16, 28, and 29, 1953, the House Committee on Interstate and Foreign Commerce held public hearings on five similar bills. The principal objective of all these bills was to prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals.

The present law originated from H. R. 5069, which was introduced at the direction of the House committee, as a "clean" bill as a result of the committee hearings and after executive consideration of all the bills pending before the committee.

Every witness who testified before the committee, without exception, representing virtually all segments of the textile industries and trades, urged prompt and effective Federal legislation to protect the public from the dangers of highly flammable wearing apparel and fabrics used in wearing apparel, and supported these bills in principle. Moreover, the committee was urgently requested to take prompt action on this legislation. It was pointed out that if this legislation was not enacted, a variety of State and local regulations lacking in uniformity might well ensue.

Testimony in support of legislation on this subject was received from the Federal Trade Commission, the National Cotton Council of America, the National Retail Dry Goods Association, the Tufted Textile Manufacturers Association, the Society of the Plastics Industry, the Rayon and Acetate Fiber Producers, and others. These expert witnesses were helpful in suggesting accurate language for the legislation. H. R. 5069, while substantially similar to the bill that this committee had reported favorably the preceding year, represented a distinct improvement over that measure, especially in section 4, concerning the standard of flammability. Your committee reported favorably this improved version and it became the present law on June 30, 1953, but your committee did not know that it was also barring conventional fabrics with a long record of safety.

Section 4 of the Flammable Fabrics Act prescribes the standards of flammability. Commercial Standard 191-53, promulgated by the Secretary of Commerce effective January 30, 1953, prescribed the standard for flammability of clothing textiles and Commercial Standard 192-53, promulgated by the Secretary of Commerce effective May 22, 1953, prescribed the standard of flammability for vinyl plastic film.

Commercial Standard 191-53 was developed as a voluntary standard through the combined effort of a number of scientific and technical groups and represented at that time the combined opinion of an industry committee speaking for the cotton and rayon producers, and fabric manufacturers, finishers, converters, wholesalers, retailers, and consumers coordinated by the American Association of Textile Chemists and Colorists and the National Retail Dry Goods Association. The National Bureau of Standards participated in this work by active service on technical committees, by the conduct of a wide variety of investigational and testing work, and by aiding in the reconciliation of different points of view.

The flammability test provided in the Commercial Standard 191-53 makes use of strips of fabric 2 by 6 inches in dimensions. The test consists of measuring the burning time in seconds when the test piece is mounted in a specially designed apparatus and a flame is applied in a prescribed manner. Fabrics with a flame spread of more than 7 seconds are classed as having normal flammability. Those with a flame spread of less than 4 seconds are classed as rapid and intense burning, while those burning in 4 to 7 seconds are rated as having intermediate flammability. The law is directed to those fabrics which are classed as rapid and intense burning fabrics.

Commercial Standard 192-53 is the industry-approved standard with respect to vinyl plastic film. Such film is used in the manufacture of various articles of wearing apparel such as raincoats, capes, hoods, pants, and aprons. The flammability test is prescribed in paragraph 3.11 of this standard.

Section 4 of the act provides for reports by the Secretary of Commerce if he at any time finds that the commercial standard referred to becomes inadequate. The Senate report on this bill made clear our intent that the—

Secretary of Commerce shall make continuous studies of the suitability and effectiveness of these and related test methods.

UNEXPECTED RESULTS OF PRESENT TESTS

Since the beginning of last month, your committee and its Subcommittee on Business and Consumer Interests have received numerous letters to the effect that this act, if it is allowed to become effective on schedule, on June 30 of this year, will cause severe hardship to many business firms engaged in the importation and distribution of lightweight cotton, rayon, and silk textile fabrics, as well as to domestic manufacturers and distributors of some sheer fabrics which have long been used with safety by the American consumer.

The question suggests itself at this point, why did not the affected industry call these alleged defects in the law to the attention of the Senate and House committees? One correspondent answers this question as follows:

Businessmen engaged in the distribution of established types of textiles knew vaguely that Federal legislation had been under consideration for several years to prohibit the sale of fabrics and wearing apparel which, in the language of the act are "so highly flammable as to be dangerous when worn by individuals." It may be safely said that the business community is strongly in favor of such legislation. The general understanding, however, was that the act merely applied to fabrics and articles of wearing apparel which will ignite and burn in a flash when they come in contact with a flame or a cigarette. It is only in recent months that businessmen have come to realize, as a result of laboratory tests conducted pursuant to the method prescribed in Commercial Standard 191-53, that many textile fabrics which have never been involved in a flash burning episode will be classed as "dangerously flammable" under the Flammable Fabrics Act, and thus not legally salable after June 29, 1954.

Your committee has heard mostly from businessmen in the silk trade who say that they were convinced that the act was passed to protect the public from fabrics which burn intensely and in a flash, such as brushed rayon and other synthetic pile fabrics and that they never believed that the act would be applicable to silk because it is a historical fact that silk has been imported into the United States for over 100 years and to their knowledge the fabric made from it has never endangered a person.

It was not until silk was tested under the standards set forth by Commercial Standard 191-53, which were incorporated specifically in the act, that it was discovered that the provisions of the act would be applicable to silk. As far as is known, there is no practicable method to render silk fireproof which will not make it lose its appealing softness and luster. Intensive tests are presently being conducted by competent chemical firms in an attempt to solve this problem but they will need time to conduct their tests and research. Because silk is frequently made into thin fabrics such as fine sheers, chiffons, silk stockings, etc., it will be affected by the strict standards of flammability contained in the act. Some businessmen estimate that the law, as it is now written, will cause the banishment of 55 to 75 percent of the silk scarfs and silk fabrics, which, until the present, have been imported from Japan. One New York company alone estimates that enforcement of the act will amount to virtual confiscation of large quantities of merchandise which it has had on hand, some for as long as 3 years or more, the total of which will amount to hundreds of thousands of dollars.

It is easy to understand that the act has an effect now, even before its effective date, as prospective customers are unwilling to buy certain materials from wholesalers and even retail outlets are left holding on to large stocks which they carried over from previous seasons. Furthermore, many companies, in order to prepare for the fall season this year, made extensive purchases of affected materials, for instance in Japan, and have established irrevocable letters of credit for payment. It goes without saying that the economy of Japan is directly affected, as it is the largest producer of sheer fabrics made of silk. Lightweight silk materials constitute over 50 percent of Japan's export of silk to the United States. The main end use of these materials is silk scarfs and veiling which American women use as accessories to their usual articles of clothing.

To a somewhat lesser extent, your committee has heard from domestic manufacturers and distributors of sheer fabrics, such as organdie, batiste, veils, and netting for evening dresses which have had a good safety record for 50 years. Importers and distributors of sheer fab-

rics from France, Switzerland, Italy, and other countries have also complained of these unexpected developments under the testing procedures of the Flammable Fabrics Act. Some of these countries have expressed their grave concern to our Department of State at the serious adverse effects of the present act upon their national economy.

This question was discussed at a meeting of your committee's Subcommittee on Business and Consumer Interests on April 14, 1954. As a result, discussions were held between the staffs of your committee, the Federal Trade Commission and the Department of Commerce to determine whether an administrative solution to the problem was feasible and in the public interest. These discussions revealed that the possible administrative remedies were inadequate.

The act is quite specific upon the standard of flammability, as this report has already shown. Commercial Standard 191-53 was rigidly incorporated into the act, with the express additional inclusion of hats, gloves, and footwear.

From the start, the industry objected to complete discretion being lodged in a Federal official or agency, such as in the Secretary of Commerce or in the Federal Trade Commission.

When a forerunner of the act was first introduced (H. R. 3851, 83d Cong.), it contained a provision to the effect that when in his opinion the protection of the public interest so required, the Secretary of Commerce was authorized to modify or supplement the test standard of flammability provided he followed the procedure used in setting up Commercial Standard 191-53. Many people in industry and in the Government felt that the Secretary of Commerce should not have that authority. The Federal Trade Commission sounded the death knell of this provision when it wrote on April 9, 1953 to the chairman of the House committee upon this point, as follows:

This requirement would prohibit the Secretary of Commerce from modifying or supplementing the test unless he obtained the consent of 65 percent of the industry or at least of a majority, which is a requirement of the commercial standard procedure. Such presents an unprecedented situation of having the standard of legality or illegality under a penal and civil statute turn upon the consent of the industry to which the legislation applies.

That flexible approach raised serious constitutional doubts of the constitutionality of the legislation. Accordingly, the House and Senate committees wrote the existing standards developed by industry specifically into the act.

Your committee has been informed that on some types of conventional fabrics that have already been tested, the burning rate is between 3.2 seconds and 3.9 seconds, although these fabrics have never been known to catch fire when worn by individuals. This report has already pointed out that, under Commercial Standard 191-53 which is incorporated by reference into the act, fabrics with a flame spread of less than 4 seconds are classed as rapid and intense burning and banned from importation, transportation, or sale in interstate or foreign commerce.

There is no doubt that the act was aimed primarily at the banning of fabrics which burn intensely and in a flash. H. R. 5069, which became the present law (Public Law 88, 83d Cong.), was entitled, "To prohibit the introduction of movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals, and for other purposes."

The Senate and House reports, in discussing the purpose of the legislation, state:

The purpose of the bill * * * is to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which have caused either bodily injury or death to numerous individuals. The bill is limited in scope to wearing apparel and fabrics which are intended or sold for use in wearing apparel. It will outlaw, for example, the introduction, movement or sale in interstate commerce of highly flammable children's cowboy playsuits, and the so-called torch sweaters or jackets which have caused serious injuries and death to a number of innocent and unsuspecting individuals in recent years. (See H. Rept. No. 425, and S. Rept. No. 400, 83d Cong., 1st sess.)

In discussing the standards of flammability, those reports state:

The major problem in formulating legislation to control the use of dangerously flammable textiles is to discriminate between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous.

Your committee is convinced that section 4 of the act, in incorporating Commercial Standards 191-53 and 192-53 by reference, went further than the professed purposes of the act, and that the present testing procedures are in need of some revision because they do not distinguish properly between the flash-burning type of fabrics and those that have been safely worn for generations.

Industry experts who were instrumental in developing the tests under Commercial Standard 191-53 testified to that effect at a hearing before your committee's Subcommittee on Business and Consumer Interests on May 11, 1954, and urged the passage of S. 3379 as a reasonable solution to this problem. Government experts agreed with them.

SCOPE OF THE BILL

S. 3379 contains two amendments to the Flammable Fabrics Act.

The first of the proposed amendments would exclude "scarfs made of plain surface fabrics" from the definition of wearing apparel in the act. Thus scarfs, whether popularly called a scarf or some other similar name, as a square, stole, or mantilla, would be excluded absolutely from the act, as hats, gloves, and footwear are excluded under certain conditions in the present act. There is no valid reason why scarfs, mantillas, squares, or stoles should be included in the act, as they can be more quickly removed from the person than most hats, gloves, and footwear. A claim could be made that they are not included under the present law, because they are not wearing apparel but merely an accessory, but committee counsel has advised your committee that some of the legislative history might be considered to compel an interpretation that they are included. As the Federal Trade Commission and the Department of Commerce agree that scarfs, mantillas, squares, or stoles should be excluded specifically, provided they are made of plain surface fabrics, this amendment is recommended by your committee. This amendment is intended to permit the continued sale of conventional sheer materials, especially sheer silk, net and lace, quite commonly used for scarfs or mantillas, but not to exclude those having a fuzzy surface which may be liable to flash burning.

Government experts have testified in the hearings before your committee's Subcommittee on Business and Consumer Interests that the term "plain surface fabrics" has a well understood meaning in the

textile trade. Your committee intends this term to mean, with respect to textile fabrics, what it is defined to mean in rule 1 of the current Proposed Rules and Regulations Under the Flammable Fabrics Act, by the Federal Trade Commission, viz:

Plain surface textile fabric means any textile fabric which does not have an intentionally raised fiber or yarn surface such as a pile, nap, or tuft, but shall include those fabrics having fancy woven, knitted, or flock-printed surfaces.

The second proposed amendment would require that, in determining whether fabrics or articles of wearing apparel exhibit a rate of burning in excess of the prescribed standard, the tests, instead of being made with oven-dried samples, shall be made with samples which, after being dried, are conditioned to equilibrium in an atmosphere of 70° Fahrenheit and 65 percent relative humidity. This proposed change in the testing method is intended primarily to avoid the probable result of the application of the flammability standard now prescribed in preventing future use of a number of sheer fabrics, such as silk, organdie, batiste, veils, and netting, heretofore commonly used as dress materials. The proposed change is not intended to alter the effect of the act in the case of so-called torch sweaters, cowboy playsuits, and similar napped fabrics. Government and industry experts upon flammability tests have advised your committee that the proposed change will not so alter the effect of the act.

Reason for not including "flags," "handkerchiefs," "millinery veiling," "laces," and "narrow fabrics" as exempted articles or fabrics in S. 3379

Some of the communications received by your committee from businessmen pointed out that a considerable amount of sheer silk from Japan and of other domestic and imported sheer conventional fabrics are used in the manufacture of flags and handkerchiefs. Some of the correspondents requested that they be exempted from the application of the Flammable Fabrics Act. Obviously, flags cannot by any stretch of the imagination be considered articles of wearing apparel and are not contained within the scope of the act. Committee counsel has advised your committee that a handkerchief is a mere accessory and cannot reasonably be considered as an article of wearing apparel within section 2 (d) of the act. A handkerchief can easily be discarded or dropped if it is ignited. It was not intended at the time of the enactment of the act to include handkerchiefs as an "article of wearing apparel" or "clothing worn or intended to be worn by individuals." Obviously, one does not normally wear a handkerchief, but simply carries it as an accessory either in one's hand or in a pocket. Under usual circumstances, it may be quickly removed when ignited and does not constitute the type of unusual hazard which the act was intended to ban. Accordingly, your committee believes that this doubt on the part of industry can easily be disposed of through administrative regulations.

Importers, domestic manufacturers of millinery veiling and of millinery have pointed out to your committee that millinery veiling on ladies' hats is a conventional fabric, has a long record for safety, presents no unusual hazards, and is not usually washed by the owner of the hat. They have asked that millinery veiling be expressly excluded from the application of the act. Committee counsel has advised your committee that the usual types of millinery veiling

traditionally used on ladies' hats cannot be interpreted reasonably as constituting or forming "part of a covering for the neck, face, or shoulders" within the first proviso of section 2 (d) of the act. Your committee agrees that the traditional types of millinery veiling made of conventional fabrics which present no unusual hazards were not intended to be and are not included within the ban of the Flammable Fabrics Act, and that this is a matter that can safely be left to the discretion of the Federal Trade Commission which can include by regulation within the ban of the act types of millinery veiling which otherwise "constitute or form part of a covering for the neck, face, or shoulders when worn by individuals," as intended by the Congress. Again in this instance, this is a situation which lends itself well to a reasonable administrative interpretation of the act.

Importers and domestic manufacturers of laces and very narrow fabrics have called the attention of your committee to the fact that such fabrics cannot be tested under Commercial Standard 191-53. Representatives of this segment of the industry requested that laces and narrow fabrics be excluded expressly from the application of the act. It is true that very narrow textile fabrics such as laces, embroideries, ribbons, etc., do not constitute unusual hazards in the sense of the act and were not intended to be covered within the scope of the act. Section 4 (a) of the act provides:

Any fabric or article of wearing apparel shall be deemed so highly flammable within the meaning of section 3 of this Act as to be dangerous when worn by individuals if such fabric or any uncovered or exposed part of such article of wearing apparel exhibits rapid and intense burning when tested under the conditions and in the manner prescribed in the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1953, and identified as "Flammability of Clothing Textiles, Commercial Standard 191-53," * * *

It is obvious, for instance, that if a textile fabric is so narrow that it will not fit the specimen holder prescribed in Commercial Standard 191-53, it cannot be "tested under the conditions and in the manner prescribed" in Commercial Standard 191-53. Committee counsel has advised your committee that such a narrow fabric is not included within the scope of the act. It was not and could not have been the congressional intent to ban from commerce arbitrarily such very narrow fabrics simply because they could not be tested under the conditions and in the manner prescribed in Commercial Standard 191-53. Your committee believes that this problem can be left to the discretion of the Federal Trade Commission which can interpret the act reasonably as not including very narrow fabrics which cannot be "tested under the conditions and in the manner prescribed in" Commercial Standard 191-53, or substantially and as closely as possible under the same conditions and in substantially and as closely as possible the same manner so that their flammability can be determined reasonably and with substantially the same accuracy as though the tests had been conducted rigidly upon larger fabrics under the requirements of 191-53. Any fabric which is so narrow, in the opinion of the Federal Trade Commission, as not to lend itself to such a test, can safely be regarded as not within the scope of the Flammable Fabrics Act.

For the reasons outlined above, your committee believes that the bill as introduced and reported is adequate. The other matters mentioned can be left safely to the sound discretion of the Federal

Trade Commission, which can be relied upon to interpret the act reasonably and practically without unduly crippling the legitimate activities of business enterprises and without sacrificing the safety of individuals, in accordance with the general purposes of the act.

EFFECT OF BILL

As it has already been explained, flags and handkerchiefs are not covered by present law. With the exemption of scarfs from the act, as this bill provides, the problem of the unexpected application of the act to silk is largely solved. Sample flammability tests on silks were recently conducted with the following results:

Weight of silk:	<i>Flame spread</i>
3 momme.....	3 seconds
4 momme.....	3.3 seconds
5 momme.....	4.1 seconds
8 momme.....	5 seconds

As only those fabrics which burn in less than 4 seconds are banned by the act, 5-momme silk would generally pass the tests under the present act. Four-momme and three-momme silk (sheer silk) is imported in large quantities into this country primarily in the form of handkerchiefs and scarfs. Experts point out that while 3-momme and 4-momme silks under present tests burn in less than 4 seconds, silk has the characteristics of ceasing to burn when the flame is removed from the material. Therefore, it presents much less of a hazard than pile synthetic materials or brushed rayon. The fact is that silks for handkerchiefs and scarfs were used down through the years without their ever being considered hazardous. The same is true of the use of other plain surface fabrics when used for handkerchiefs and scarfs.

On the other hand, except for handkerchiefs and scarfs, it is the belief of your committee that silk and other plain-surface fabrics, like any other fabric which burns in less than 4 seconds under the test conditions outlined in this bill, should not be used in the manufacture of articles of wearing apparel. To the extent that 3-momme or 4-momme silk or other plain surface fabrics may be banned from use in shirts, nightgowns, and other wearing apparel under this bill, that is the price of safety which we must exact from the producers of these materials as we do from the producers of other materials banned by the act. Your committee will not compromise with public safety.

The only other amendment added by my bill is a change in the conditions under which the present flammability tests are conducted. The industry and your committee were surprised that certain conventional fabrics, such as organdie, batiste, veils, nettings, etc., with a long record of safety performance are now banned by the present tests. Industry representatives and experts point out that the reason is that samples are not tested under the conditions existing where those materials are generally worn. At present, samples are tested bone dry. This bill would require samples to be tested under the normal conditions under which articles of clothing are generally worn, namely in room temperature with average humidity. Experts have advised your committee that when so tested, conventional fabrics such as organdies, batistes, veils, nettings, etc., will pass the test although silk would not be materially helped by this change. Your committee believes this result will be more in keeping with the professed purposes of the Flammable Fabrics Act.

AGENCY COMMENTS

The Federal Trade Commission, the Department of Commerce, and the Department of State have fully approved this bill and have testified strongly in favor of its enactment at the hearings. The bill is an answer to the legitimate requests of the industry affected by the Flammable Fabrics Act. As stated by the Federal Trade Commission:

The reports of both the Senate and House committees upon the bill which became the Flammable Fabrics Act emphasized the problem of fixing upon a standard of flammability that would "discriminate between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous." The proposed amendments would thus appear to be consistent with the original intent of Congress.

Your committee has unanimously approved this measure and recommends that the bill do pass.

DEPARTMENT AND AGENCY COMMENTS

THE SECRETARY OF COMMERCE,
Washington 25, May 10, 1954.

HON. JOHN W. BRICKER,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request dated April 29, 1954, for the views of this Department with respect to S. 3379, a bill to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

Control by the Federal Government of interstate commerce in fabrics which expose the wearer thereof to unusual dangers from fire hazards is an exercise of Federal authority in an entirely new field. The general purpose of this legislation—to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which have caused either bodily injury or death to numerous individuals—in our opinion, warrants the exercise of this power.

Manufacturers and processors are in accord with the objectives of the act. In the absence of Federal action in this field, it is very likely that diverse actions taken by local authorities would present a very considerable burden to a businessman engaged in interstate commerce.

The effective date of the act is June 30, 1954, 1 year after the date of its passage, June 30, 1953. Recently, there has developed a growing awareness among manufacturers and processors of fabrics, which have been staples in our fabric and garment trades, that certain of such fabrics, although presenting no history of special hazard to the wearer, would fall within the ban of the act. Because of the effect of such a ban on established industries it was apparent that an immediate reexamination of the problem and the law enacted to resolve the problem was warranted to determine whether or not restriction of these products is necessary to achieve the purpose of the act.

Two specific areas have been brought to our attention as warranting exceptions from the prohibitions of the act. These are items of wearing apparel such as scarfs and also certain sheer fabrics such as organdies, tulle, and georgettes.

Scarfs are often made of sheer silk. Japanese exporters and domestic importers have developed a considerable market for such scarfs and for the fabric used in their manufacture. A real economic problem would be created for that country if the United States market for this product were cut off. We are satisfied that the economic aspect of such a ban is important enough to both countries to warrant examination as to whether or not an exception would be justified on the basis of the purpose of the act to prevent unusual hazard.

In our opinion, scarfs do not present an unusual hazard to the wearer. They are often worn in such a way as to be immediately removable from the person. The exposed portion of a sheer scarf worn in close proximity to the face would be exposed to ignition only under circumstances causing discomfort to the wearer. To the extent that a sheer scarf is worn tightly about the head it appears to present no more danger of ignition than the hair.

We believe, therefore, that scarfs should be excepted from the ban of the act and that S. 3379, adequately and appropriately provides for such an exception. There is the additional safeguard imposed by the bill in limiting the exception to scarfs made of plain surface fabrics. This exception would continue the ban on scarfs made with pile or other raised surfaces which would be conducive to easy ignition.

In this connection consideration should be given to an exception for handkerchiefs which also appear not to create an unusual hazard of injury. It is our opinion, however, that the exception for handkerchiefs can be provided for by administrative action by the Federal Trade Commission and that no statutory modification is necessary.

There are certain domestically produced fabrics such as georgette, tulle, and organdie and such fabrics which have long been a standard product, which have not been thought of as unusually hazardous but which would fail by a slim margin to pass the standard of flammability established by the act. It is unfortunate that representatives of manufacturers or processors of such materials were not aware of this difficulty and did not present their problem to the Congress during the time bills curbing interstate commerce in flammable fabrics were under consideration. As in the case of the scarf fabrics there is no question but that a ban on these fabrics would have a very significant effect on industry. In some instances it would put the only fabrics manufactured or processed by particular manufacturers off the market. In the case of these fabrics, the margin by which they fail to pass the burning standard which is established by the act is slight. There is no comparison in the character of these fabrics to the dangerous character of the brushed and pile surface fabrics which caused the nationwide concern over the fabric hazard. The latter type of fabric demonstrates a burning time of considerably less than 2 seconds when tested under the standards provided by the act, which sets 4 seconds as the minimum limit.

S. 3379 would resolve this aspect of the problem by modifying the test to provide that the material should be tested when it is in equilibrium in the standard testing atmosphere of 65 percent relative humidity and 70° Fahrenheit. Under the existing standard the test is made on the material in an extremely dry condition. The proposed change would result in the test being made under conditions more nearly simulating ordinary conditions of wear.

This modification of the test proposed by S. 3379 is, in our opinion, reasonable and appropriate. From such discussions with industry and experts in the field as we have been able to contact since the introduction of the bill we are convinced that industry would favor and be benefited by early enactment of this measure.

After consultation with technical experts in the field of flammability of textiles at the National Bureau of Standards of the Department, we can assure the committee that enactment of this measure will not result in the exception from the ban of the law of those highly flammable fabrics which have attracted nationwide attention because of their unusually hazardous nature.

In general, and particularly in embarking upon control in a new field such as is here undertaken, every precaution should be taken to keep regulation to the bare minimum necessary to accomplish the purpose of the act. In keeping with this principle we urge early enactment of S. 3379.

We have been advised by the Bureau of the Budget that they would interpose no objection to the submission of this letter to your committee.

If we can be of further assistance in this matter, please call on us.

Sincerely yours,

WALTER WILLIAMS,
Acting Secretary of Commerce.

FEDERAL TRADE COMMISSION,
May 6, 1954.

Hon. JOHN W. BRICKER,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your letter of April 29, 1954, inviting the comments of this agency concerning S. 3379, 83d Congress, 2d session, a bill to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

The first of the proposed amendments would exclude "scarfs made of plain surface fabrics" from the definition of wearing apparel in the Flammable Fabrics Act. The second proposed amendment would require that in determining

whether fabrics or articles of wearing apparel exhibit a rate of burning in excess of the prescribed standard the tests, instead of being made with oven-dried samples, shall be made with samples which, after being dried, are conditioned to equilibrium in an atmosphere of 70° Fahrenheit and 65 percent relative humidity.

It is our understanding that the exclusion of scarfs made of plain-surface fabric is intended to permit the continued sale of conventional sheer materials, especially sheer silk, quite commonly used for scarfs, but not to exclude those having a fuzzy surface which may be liable to flash burning. Similarly, it is our understanding that the proposed change in the required testing method is intended to avoid the probable result of the application of the flammability standard now prescribed in preventing future use of a number of sheer fabrics heretofore commonly used as dress materials.

It is our information that the proposed change in the standard would not materially alter the effect of the act in the case of so-called torch sweaters, cowboy playsuits, and similar napped fabrics. Further, the act contains a provision that if at any time the Secretary of Commerce finds that the flammability standards provided in the act are inadequate for the protection of the public interest "he shall submit to the Congress a report setting forth his findings together with such proposals for legislation as he deems appropriate."

The reports of both the Senate and House committees upon the bill which became the Flammable Fabrics Act emphasized the problem of fixing upon a standard of flammability that would "discriminate between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous." The proposed amendments would thus appear to be consistent with the original intent of Congress.

The Commission has no information which would warrant the expression of objection to the proposed amendments.

By direction of the Commission.

Sincerely yours,

EDWARD F. HOWREY, *Chairman.*

N. B.—Pursuant to regulations, this report was submitted to the Bureau of the Budget on May 6, 1954, and on May 6, 1954, the Commission was advised that there would be no objection to the submission of the report to the committee.

ROBERT M. PARRISH, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FLAMMABLE FABRICS ACT

SEC. 2. (d) The term "article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals except hats, gloves, *scarfs made of plain surface fabrics*, and footwear: *Provided, however,* That such hats do not constitute or form part of a covering for the neck, face, or shoulders when worn by individuals: *Provided further,* That such gloves are not more than fourteen inches in length and are not affixed to or do not form an integral part of another garment: *And provided further,* That such footwear does not consist of hosiery in whole or in part and is not affixed to or does not form an integral part of another garment.

STANDARD OF FLAMMABILITY

SEC. 4. (a) Any fabric or article of wearing apparel shall be deemed so highly flammable within the meaning of section 3 of this Act as to be dangerous when worn by individuals if such fabric or any uncovered or exposed part of such article of wearing apparel exhibits rapid and intense burning when tested under the conditions and in the manner prescribed in the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1953, and identified as "Flammability of Clothing Textiles, Commercial Standard 191-53", or exhibits a rate of burning in excess of that specified in paragraph 3.11 of the Commercial

Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192-53". For the purposes of this Act, such Commercial Standard 191-53 shall apply with respect to the hats, gloves, and footwear covered by section 2 (d) of this Act, notwithstanding any exception contained in such Commercial Standard with respect to hats, gloves, and footwear.

(b) If at any time the Secretary of Commerce finds that the Commercial Standards referred to in subsection (a) of this section are inadequate for the protection of the public interest, he shall submit to the Congress a report setting forth his findings together with such proposals for legislation as he deems appropriate.

(c) *Notwithstanding the provisions of Commercial Standard 191-53, setting forth the conditions under which samples of fabrics and articles of wearing apparel are to be tested, the tests shall be made upon samples which after having been previously dried are conditioned to equilibrium in the standard textile testing atmosphere of 65 per centum relative humidity and seventy degrees Fahrenheit.*



Calendar No. 1327

83^D CONGRESS
2^D SESSION

S. 3379

[Report No. 1323]

IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 14), 1954

Mr. PURTELL introduced the following bill; which was read twice and referred to the Committee on Interstate and Foreign Commerce

MAY 12 (legislative day, APRIL 14), 1954

Reported by Mr. PURTELL, without amendment

A BILL

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Flammable Fabrics Act (67 Stat. 111; 15 U. S. C.
4 secs. 1191-1200) is amended as follows:

5 (1) In section 2 (d) after the comma following: "hats,
6 gloves" insert "scarfs made of plain surface fabrics"; and

7 (2) after subsection (b) of section 4 insert the following:

8 "(c) Notwithstanding the provisions of Commercial
9 Standard 191-53, setting forth the conditions under which
10 samples of fabrics and articles of wearing apparel are to be

1 tested, the tests shall be made upon samples which after
2 having been previously dried are conditioned to equilibrium
3 in the standard textile testing atmosphere of 65 per centum
4 relative humidity and seventy degrees Fahrenheit.”

Calendar No. 1327

83^d CONGRESS
2^d Session

S. 3379

[Report No. 1323]

A BILL

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By Mr. PURTELL,

April 29 (legislative day, April 14), 1954
Read twice and referred to the Committee on
Interstate and Foreign Commerce
May 12 (legislative day, April 14), 1954
Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 18, 1954
For actions of May 17, 1954
83rd-2nd, No. 90

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HIGHLIGHTS: Senate committee reported bills to amend Water Facilities Act and approve Southeastern Forest Fire Compact. Senate committee reported Farrington nomination to CCC Board. Senate passed bill on land management in Eden project, Wyo. Senate passed bill to modify Flammable Fabrics Act. House committee reported emergency farm loans bill. Reps. Jones and Hoffman criticized ASC committee operations in Mo. and Mich.

SENATE

1. WATER FACILITIES LOANS. The Agriculture and Forestry Committee reported with amendments S. 3137, to increase the limit on individual loans under the Water Facilities Act and to make the Act applicable to the entire country (S. Rept. 1371)(p. 6258). Sen. Aiken gave a list of additional cosponsors of the bill (pp. 6258-9).
2. FORESTRY. The Agriculture and Forestry Committee reported without amendment S. 2786, granting the consent and approval of Congress to the Southeastern Interstate Forest Fire Protection Compact (S. Rept. 1372)(p. 6258).
3. CCC NOMINATION. The Agriculture and Forestry Committee reported the nomination of Robert L. Farrington to be a member of the Board of Directors of the Commodity Credit Corporation (p. 6271).
4. HOLIDAY. The Judiciary Committee reported without amendment H. R. 7786, to change the name of Armistice Day to "Veterans' Day" (S. Rept. 1359)(p. 6258).
5. SOIL CONSERVATION. Passed without amendment H. R. 7057, to authorize the Secretaries of Agriculture and Interior to transfer, exchange, and dispose of land in the Eden project, Wyo. (p. 6282). This bill will now be sent to the President.
6. PUBLIC LANDS. Passed without amendment H. R. 6186, to authorize the Secretary of the Interior to grant a preference right to users of withdrawn public lands for grazing purposes when the lands are restored from the withdrawal (p. 6286). This bill will now be sent to the President.

H. R. 2512, to modernize the Small Tract Act, was placed at the foot of the calendar at the request of Sen. Smathers (p. 6287).

7. FLAMMABLE FABRICS. Passed without amendment S. 3379, to amend the Flammable Fabrics Act so as to exempt fabrics and wearing apparel which are not highly flammable (pp. 6284-5).
8. RECLAMATION. Passed with amendments S. 118, to authorize the Secretary of the Interior to construct, operate, and maintain the Washita River Basin reclamation project, Okla. (pp. 6279-82).
9. CIVIL DEFENSE. Passed with amendment H. R. 7308, which (as amended) would extend through June 30, 1958, the emergency powers of the Administrator of Civil Defense (p. 6290).
10. VIRGIN ISLANDS. Passed with amendments S. 3378, to revise the Organic Act of the Virgin Islands (pp. 6292-7). The bill includes amendments to the animal and poultry quarantine laws (see Digest 88). H. R. 5181, as reported in the House on May 13, contains similar amendments.
11. EDUCATION. Sen. Wiley spoke in favor of adequate funds to carry out the George-Barden Act regarding vocational education in agriculture, etc. (p. 6267).
12. BANKING AND CURRENCY. Sen. Bush defended the Federal Reserve Board against recent criticism by Rep. Patman (pp. 6267-8).
13. ELECTRIFICATION. S. 3090, to authorize transmission and disposition of electric energy generated at Falcon Dam, was discussed and passed over at the request of Sen. Morse (p. 6292).

HOUSE

14. FARM LOANS. The Agriculture Committee reported with amendment H. R. 8748, to eliminate the requirement that economic disaster loans be restricted to areas designated by the President, and make additional funds available for economic emergency loans (H. Rept. 1604) (p. 6348).
Received a proposed bill from FCA to authorize the Central Bank for Cooperatives and the regional banks for cooperatives to issue consolidated debentures; to Agriculture Committee (p. 6348).
15. PUBLIC LANDS. Received the conference report on H. R. 1815, to amend the Recreation Act of June 14, 1926, so as to broaden the Interior Department's authority to make lands available for public purposes to States and local governments, or to nonprofit organizations intending to use such lands for public purposes (H. Rept. 1605) (pp. 6316-7).
Passed as reported H. R. 7111, to authorize the grant or retrocession to a State of concurrent jurisdiction over Federal lands as may be necessary for roads and other rights-of-way (pp. 6321-2).
16. RECLAMATION. A subcommittee approved for reporting to the Interior and Insular Affairs Committee H. R. 236, authorizing construction of the Fryingpan-Arkansas project, Colo., and H. R. 8520, to provide for construction by Interior of the Ainsworth, Lavaca Flats, Mirage Flats, extension, and O'Neill irrigation developments as units of the Missouri River Basin project (p. D539).

83^d CONGRESS
2^d SESSION

H. R. 9193

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1954

Mr. PATTERSON introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Flammable Fabrics Act (67 Stat. 111; 15
4 U. S. C., secs. 1191-1200) is amended as follows:

5 (1) In section 2 (d) after the comma following:
6 “hats, gloves” insert “scarfs made of plain surface fabrics”;
7 and

8 (2) After subsection (b) of section 4 insert the fol-
9 lowing:

10 “(c) Notwithstanding the provisions of Commercial

1 Standard 191-53, setting forth the conditions under which
2 samples of fabrics and articles of wearing apparel are to
3 be tested, the tests shall be made upon samples which after
4 having been previously dried are conditioned to equilibrium
5 in the standard textile testing atmosphere of 65 per centum
6 relative humidity and seventy degrees Fahrenheit.”

83d CONGRESS
2d Session

H. R. 9193

A BILL

To amend the Flammable Fabrics Act, so as to
exempt from its application fabrics and
wearing apparel which are not highly flam-
mable.

By Mr. PATTERSON

MAY 18, 1954

Referred to the Committee on Interstate and Foreign
Commerce

gible for admission, on the same terms that apply to other Indians, to hospitals and schools maintained by the United States in the State of Oklahoma.

Mr. DANIEL. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Texas.

The CHIEF CLERK. On page 2, line 18, it is proposed to strike out "for a period of 5 years."

Mr. DANIEL. Mr. President, the purpose of this amendment is simply to strike the limitation of 5 years with reference to members of the Alabama and Coushatta Tribes attending hospitals and schools furnished by the Federal Government in Oklahoma. Some of these Indians have been attending Indian schools and hospitals in Oklahoma, and, rather than have a limitation of 5 years placed upon them, it is thought more desirable simply to provide that so long as the hospitals and schools are maintained for the Indians, the members of the Texas tribes may attend them.

Mr. WATKINS. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to convey to the State of Texas the lands held in trust by the United States for the tribe of Indians organized and known as the Alabama and Coushatta Tribes of Texas, located in Polk County, Tex.; and such tribe is authorized to convey to the State of Texas the lands purchased for and deeded to the Alabama Indians in accordance with an act of the legislature of the State of Texas approved February 3, 1854, located in Polk County, Tex. All of the lands so conveyed shall be held by the State of Texas in trust for the benefit of the Indians of the Alabama and Coushatta Tribes of Texas, subject to such conditions regarding management and use as the State of Texas may prescribe and the disposition of such lands shall be subject to approval of a majority of the adult members of the Alabama and Coushatta Tribes of Texas.

SEC. 2. Upon the conveyance to the State of Texas of the lands held in trust by the United States for the Alabama and Coushatta Tribes of Texas, the Secretary of the Interior shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to such tribe and its members has terminated. Thereafter such tribe and its members shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians; *Provided*, That after the date of this act such Indians shall be eligible for admission, on the same terms that apply to other Indians, to hospitals and schools maintained by the United States in the State of Oklahoma.

SEC. 3. Effective on the date of the proclamation provided for in section 2 of this act, all powers of the Secretary of the Interior or any other officer of the United States to take, review, or approve any action under the constitution and bylaws of the Alabama and Coushatta Tribes of Texas approved on August 19, 1938, pursuant to the act of June 18, 1934 (48 Stat. 984), are terminated. Any powers conferred upon the tribe by its constitution and bylaws that are inconsistent with the provisions of this act are terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this act without the participation of the Secretary or other officer of the United States in such action.

SEC. 4. The indebtedness of the Alabama and Coushatta Tribes of Texas to the United States incurred under the provisions of the act of May 29, 1928 (45 Stat. 883, 900), is canceled, effective on the date of the proclamation to be issued in accordance with the provisions of section 2 of this act.

SEC. 5. The corporate charter of the Alabama and Coushatta Tribes of Texas issued pursuant to the act of June 18, 1934 (48 Stat. 984), ratified on October 17, 1939, is revoked, effective on the date of the proclamation to be issued in accordance with the provisions of section 2 of this act.

SEC. 6. On and after the date of the proclamation to be issued in accordance with the provisions of section 2 of this act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the Alabama and Coushatta Tribes of Texas or the members thereof, except as provided in section 2 of this act, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

SEC. 7. Nothing in this act shall affect the status of the members of the Alabama and Coushatta Tribes of Texas as citizens of the United States, or shall affect their rights, privileges, immunities, and obligations as such citizens.

SEC. 8. The act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 367), shall not apply to the tribe and its members after the date of the proclamation to be issued in accordance with the provisions of section 2 of this act.

REIMBURSEMENT OF SOUTH DAKOTA STATE HOSPITAL FOR THE INSANE

The Senate proceeded to consider the bill (S. 1794) to reimburse the South Dakota State Hospital for the Insane for the care of Indian patients.

Mr. HENDRICKSON. Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 9, immediately preceding the period, it is proposed to insert a colon and the following:

Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. HENDRICKSON. Mr. President, the amendment merely provides the

standard attorney's fee, which is included in most of the bills of this type.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. HENDRICKSON. I yield.

Mr. WATKINS. I call the Senator's attention to the fact that this is a claim presented by the South Dakota State Hospital for the Insane. I assume that the attorney general of South Dakota, who is in the public service, receives a salary from the State for his services in presenting such claims, so probably the amendment would not apply. However, I have no objection if it has been the practice to include such amendments.

Mr. HENDRICKSON. It would not make any difference, because the State could always retain a private lawyer.

Mr. WATKINS. I assume so, but this case was presented by the State itself through its own legal adviser.

Mr. HENDRICKSON. I have merely followed the usual procedure.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. HENDRICKSON].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the South Dakota State Hospital for the Insane, Yankton, S. Dak., the sum of \$8,124.29, in full satisfaction of its claim against the United States for compensation for services furnished Indian patients from the Rosebud and Pine Ridge Indian Agencies: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

FACILITIES FOR TREATMENT OF INDIANS AT ALBUQUERQUE, N. MEX.

The bill (S. 3364) to amend the act of October 31, 1949 (63 Stat. 1049), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1, of subsection (b), of the act of October 31, 1949 (63 Stat. 1049), is hereby amended by deleting the figure "1954," wherever the same appears in the third and fourth provisos, and by inserting in lieu thereof the figure "1957"; and by deleting the figure "1953" in the fourth proviso, and by inserting in lieu thereof the figure "1956."

EXTENSION OF TIME FOR ENROLLMENT OF INDIANS OF CALIFORNIA

The Senate proceeded to consider the bill (H. R. 2974) to extend the time for enrollment of the Indians of California, and for other purposes, which had been reported from the Committee on Interior

and Insular Affairs with amendments, on page 1, line 9, after the numerals "1955", to insert "and by inserting after the third sentence 'For the purposes of clause (d) of this section, when the Secretary of the Interior is satisfied that reasonable and diligent efforts have been made to locate a person whose name is on said roll and that such person cannot be located, he may presume that such person died prior to the date of approval of this act, and his presumption shall be conclusive'"; and on page 2, line 9, after "(45 Stat. 602)", to insert "as amended by the act of April 29, 1930 (46 Stat. 259)."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSTRUCTION OF CERTAIN FACILITIES FOR IRRIGATION AND DOMESTIC USE OF WATER FROM THE SANTA MARGARITA RIVER, CALIF.—BILL PASSED OVER

The bill (H. R. 5731) to authorize the Secretary of the Interior to construct, operate, and maintain certain facilities to provide water for irrigation and domestic use from the Santa Margarita River, Calif., and the joint utilization of a dam and reservoir and other water-work facilities by the Department of the Interior and the Department of the Navy, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. By request, I ask that the bill go over.

Mr. KNOWLAND. Will the Senator from Florida withhold his objection for a moment?

Mr. SMATHERS. I shall be happy to do so.

Mr. KNOWLAND. Would the Senator mind indicating for whom objection was entered, so that opportunity may be afforded to try to convince the Senators concerned that the objection, at least in the judgment of the proponents of the bill, is not valid?

Mr. SMATHERS. The objection has been filed by two Senators: The able leader of the Independent Party, the distinguished Senator from Oregon [Mr. MORSE], and the distinguished senior Senator from Alabama [Mr. HILL].

The PRESIDING OFFICER. The bill will be passed over.

SAFETY OF LIFE AND PROPERTY AT SEA

The Senate proceeded to consider the bill (S. 602) to provide for greater safety of life and property at sea by authorizing the Secretary of the Treasury to prescribe rules for the loading, stowage, and securing of grain and other similar bulk cargoes, which had been reported from the Committee on Interstate and Foreign Commerce with amendments, on page 2, line 14, after the word "any", to strike out "private nonprofit organiza-

tion," and insert "organization or persons whose services he may deem helpful"; and in line 18, after the word "Government", to insert "To the extent that provision is made in any regulation of the Secretary of the Treasury for inspection of the loading, stowage, or securing of bulk grain or other similar bulk cargoes or the issuance of any certificate in connection therewith by any private organization or person, the Secretary of the Treasury shall give due consideration to all organizations and persons qualified and willing to perform such work", so as to make the bill read:

Be it enacted, etc., That, to provide for greater safety of life and property at sea, the Secretary of the Treasury is authorized to make such rules and regulations and to prescribe such restrictions and conditions as he deems necessary for the loading, stowage, and securing of grain and other similar bulk cargoes that present hazards to the stability of vessels by shifting.

SEC. 2. This act shall apply to all vessels of the United States and to foreign vessels loading grain and such other similar bulk cargoes at any port of the United States, its Territories or possessions, except vessels operating solely on inland waters of the United States or on the Great Lakes.

SEC. 3. The rules and regulations authorized by this act, in their application to grain cargoes in bulk, shall be in conformity with and in implementation of regulation 2, chapter VI, of the regulations which constitute an integral part of the International Convention for the Safety of Life at Sea, 1948.

SEC. 4. In the establishment, administration, and enforcement of the rules and regulations hereunder, the Secretary of the Treasury may avail himself of the advice, services, and facilities of any organization or persons whose services he may deem helpful, or, with the consent of the head thereof, of any executive department, independent establishment, or other agency of the Government. To the extent that provision is made in any regulation of the Secretary of the Treasury for inspection of the loading, stowage, or securing of bulk grain or other similar bulk cargoes or the issuance of any certificate in connection therewith by any private organization or person, the Secretary of the Treasury shall give due consideration to all organizations and persons qualified and willing to perform such work.

SEC. 5. The Secretary of the Treasury may, upon his own knowledge, or upon the sworn information of any citizen of the United States, that any vessel subject to this act is violating any of the provisions thereof or the regulations established hereunder, by written order served on the matter, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the vessel is in full compliance with the provisions of this act and of the regulations established hereunder. If the vessel is ordered detained, the master, person in charge, or owner or charterer, or the agent of the owner or charterer thereof, may within five days appeal to the Secretary of the Treasury who may, after investigation, affirm, set aside or modify the requirements of such order. If any citizen of the United States furnished sworn information to the Secretary of the Treasury that any vessel subject to this act is in violation of any of its provisions or of the regulations established hereunder and such sworn information is false, the person so falsely swearing shall be deemed guilty of perjury.

SEC. 6. Whoever shall knowingly violate any of the provisions of this act or of any regulations established under this act shall be subject to a penalty of not more than \$2,000 for each violation. In the case of any

such violation on the part of the owner, charterer, agent, master, or person in charge of the vessel, such vessel shall be liable for the penalty and may be seized and proceeded against by way of libel in the district court of the United States in any district in which such vessel may be found.

SEC. 7. When the death or bodily injury of any person results from the violation of this act or any regulations made in pursuance thereof, the person or persons who shall have knowingly violated or caused to be violated such provisions or regulations shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

SEC. 8. Nothing contained in this act shall be construed to relieve any vessel subject to the provisions of this act from any of the requirements of title 52 (secs. 4399 to 4500, inclusive) of the Revised Statutes or Acts amendatory or supplementary thereto and regulations thereunder applicable to such vessel, which are not inconsistent herewith.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXEMPTION OF FLAMMABLE FABRICS AND WEARING APPAREL FROM FLAMMABLE FABRICS ACT

The bill (S. 3379) to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Flammable Fabrics Act (67 Stat. 111; 15 U. S. C. secs. 1191-1200) is amended as follows:

(1) In section 2 (d) after the comma following: "hats, gloves", insert "scarfs made of plain surface fabrics"; and (2) after subsection (b) of section 4 insert the following:

"(c) Notwithstanding the provisions of Commercial Standard 191-53, setting forth the conditions under which samples of fabrics and articles of wearing apparel are to be tested, the tests shall be made upon samples which after having been previously dried are conditioned to equilibrium in the standard textile testing atmosphere of 65 percent relative humidity and 70 degrees Fahrenheit."

Mr. PURTELL subsequently said: Mr. President, I ask unanimous consent to have a statement printed following the action taken on Calendar No. 1327, Senate bill 3379.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PURTELL

The bill simply does two things. It exempts scarfs from the Flammable Fabrics Act and it provides that testing procedures shall be conducted under "the standard textile testing atmosphere of 65 percent relative humidity and 70° Fahrenheit."

The original act exempted most hats, gloves, and footwear. Our Subcommittee on Business and Consumer Interests held hearings and it and the full committee were convinced that scarfs, if ignited, could be more easily removed from the person than most hats, gloves, and footwear. Furthermore, the bill exempts only the safer type of scarfs, namely, those made of plain surface fabrics. This is a term well understood in the trade and the committee report further explains it. Experts in the Government and in the industry testified that scarfs made of plain surface fabrics do not constitute the type of unusual hazard that the act was in-

tended to ban. Scarfs made of fuzzy fabrics which flame rapidly and are liable to flash-burning will still be barred under this bill.

With respect to testing procedures, the act froze the conditions under which they were conducted in the experimental stage, namely, upon fabrics which were made bone-dry before testing. Experts in the Government and in industry testified at the hearings that when so conducted, the tests still ban a high percentage of conventional fabrics which have a long record of safety, such as georgette, tulle, organdy, batistes, and netting. The effect of this unexpected development is to seriously and adversely affect many of our domestic producers of such fabrics, as well as the economy of Japan, France, Switzerland, Italy, and other countries.

The Senate and House reports, in discussing the purpose of the original act state:

"The purpose of the bill * * * is to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which have caused either bodily injury or death to numerous individuals. * * * The major problem in formulating legislation to control the use of dangerously flammable textiles is to discriminate between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous."

At the hearings, various types of fabrics were ignited and members were given an opportunity to see for themselves that the new tests would still ban dangerous fabrics. Government and industry experts testified that this bill simply adjusts the original act to its professed purpose of barring those fabrics in wearing apparel which present unusual hazards while allowing the continued use of conventional fabrics with a long record of safety.

Because the original act goes into effect on June 30 of this year, it is important for the Congress to act quickly. New orders amounting to millions of dollars are being held up, with a serious business disruption, until Congress corrects this unintended effect of the act.

The Federal Trade Commission, which administers the act, the Department of Commerce, which supervises the effect of the act, and must report to Congress upon its effect, and the Department of State, all have testified strongly in favor of this bill and urge its early enactment. The textile industry strongly supports this measure and not one objection was received by our committee or subcommittee from the Government agencies or from industry or the public.

I urge my colleagues to approve the bill today.

TERMINATION OF FEDERAL SUPERVISION OVER PROPERTY OF CERTAIN TRIBES OF INDIANS IN WESTERN OREGON

The Senate proceeded to consider the bill (S. 2746) to provide for the termination of Federal supervision over the property of certain tribes and bands of Indians located in western Oregon and the individual members thereof, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 5, line 16, after the word "agreement", to insert a colon and "Provided further, That the trust agreement shall provide that at any time before the sale of tribal property by the trustees the tribe may notify the trustees that it elects to retain such property and to transfer title thereto to a corporation, other legal entity,

or trustee in accordance with the provisions of subsection (a) of this section, and that the trustees shall transfer title to such property in accordance with the notice from the tribe if it is approved by the Secretary"; on page 6, line 24, after the word "encumbrance", to insert "The titles to all interests in trust or restricted land acquired by members of the tribes by devise or inheritance 2 years or more after the date of this act shall vest in such members in fee simple, subject to any valid encumbrance"; on page 10, after line 17, to insert:

(c) Prior to the issuance of a proclamation in accordance with the provisions of this section, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

On page 12, line 5, after the word "tribe", to insert "or payable to the United States by the tribe"; and in line 7, after the word "individual", to insert "or tribe", so as to make the bill read:

Be it enacted, etc., That the purpose of this act is to provide for the termination of Federal supervision over the trust and restricted property of certain tribes and bands of Indians located in western Oregon and the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of such Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

SEC. 2. For the purposes of this act:

(a) "Tribe" means any of the tribes, bands, groups, or communities of Indians located west of the Cascade Mountains in Oregon, including the following: Confederated Tribes of the Grand Ronde Community, Confederated Tribes of Siletz Indians, Alsea, Applegate Creek, Calapoyya, Chaftan, Champho, Chetco, Chetlesington, Chinook Clackamas, Clatskanie, Clatsop, Clowewalla, Coos, Cow Creek, Eucheas, Galic Creek, Grave, Joshua, Karok, Kathlamet, Kusotony, Kwatami or Sixes, Lakmiut, Long Tom Creek, Lower Coquille, Lower Umpqua, Maddy, Mackanotin, Mary's River, Multnomah, Munsel Creek, Naltunnetunne, Nehalem, Nestucca, Northern Molalla, Port Orford, Pudging River, Rogue River, Salmon River, Santiam, Scoton, Shasta, Shasta Costa, Siletz, Siulsaw, Skiloot, Southern Molalla, Takelma, Tillamook, Tolowa, Tualatin, Tututui, Upper Coquille, Upper Umpqua, Willamette Tumwater, Yamhill, Yaquina, and Yoncalla;

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interest therein, or improvements thereon, and includes water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held

by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

SEC. 3. Within 90 days after the date of this act, the Secretary shall publish in the Federal Register (1) a list of those tribes for which membership rolls will be required for the purposes of this act, and (2) a list of those tribes for which no membership rolls will be required for the purposes of this act. Each tribe on each list shall have a period of 6 months from the date of publication of the notice in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on the date of this act, which shall be published in the Federal Register. In the absence of applicable law, or eligibility requirements in an approved constitution, bylaws, or membership ordinance, eligibility for enrollment shall be determined under such rules and regulations as the Secretary may prescribe. No person shall be enrolled on more than one tribal roll prepared pursuant to this act. If a tribe on list one fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within 90 days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals the roll of the tribe shall be published in the Federal Register and such roll shall be final for the purposes of this act.

SEC. 4. Upon publication in the Federal Register of the final roll as provided in section 3 of this act, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 5 of this act without the approval of the Secretary. Any contract made in violation of this section shall be null and void.

SEC. 5. (a) Upon request of a tribe, the Secretary is authorized within 2 years from the date of this act to transfer to a corporation or other legal entity organized by the tribe in a form satisfactory to the Secretary title to all or any part of the tribal property, real and personal, or to transfer to one or more trustees designated by the tribe and approved by the Secretary, title to all or any part of such property to be held in trust for management or liquidation purposes under such terms and conditions as may be specified by the tribe and approved by the Secretary, or to sell all or any part of such property and make a pro rata distribution of the proceeds of sale among the members of the tribe after deducting, in his discretion, reasonable costs of sale and distribution.

(b) Title to any tribal property that is not transferred in accordance with the provisions of subsection (a) of this section shall be transferred by the Secretary to one or more trustees designated by him for the liquidation and distribution of assets among the members of the tribe under such terms and conditions as the Secretary may prescribe: *Provided*, That the trust agreement shall provide for the termination of the trust not more than 3 years from the date of such transfer unless the term of the trust is extended by order of a judge of a court of record designated in the trust agreement: *Provided further*, That the trust agreement shall provide that at any time before the sale of tribal property by the trustees the tribe may notify the trustees that it elects to

retain such property and to transfer title thereto to a corporation, other legal entity, or trustee in accordance with the provisions of subsection (a) of this section, and that the trustees shall transfer title to such property in accordance with the notice from the tribe if it is approved by the Secretary.

(c) The Secretary shall not approve any form of organization pursuant to subsection (a) of this section that provides for the transfer of stock or an undivided share in corporate assets as compensation for the services of agents or attorneys unless such transfer is based upon an appraisal of tribal assets that is satisfactory to the Secretary.

(d) When approving or disapproving the selection of trustees in accordance with the provisions of subsection (a) of this section, and when designating trustees pursuant to subsection (b) of this section, the Secretary shall give due regard to the laws of the State of Oregon that relate to the selection of trustees.

SEC. 6. (a) The Secretary is authorized and directed to transfer within 2 years after the date of this act to each member of each tribe unrestricted control of funds or other personal property held in trust for such member by the United States.

(b) All restrictions on the sale or encumbrance of trust or restricted land owned by members of the tribes (including allottees, purchasers, heirs, and devisees, either adult or minor) are hereby removed 2 years after the date of this act and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrance. The titles to all interests in trust or restricted land acquired by members of the tribes by devise or inheritance 2 years or more after the date of this act shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Prior to the time provided in subsection (d) of this section for the removal of restrictions on land owned by more than one member of a tribe, the Secretary may—

(1) Upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted 2 years from the date of this act;

(2) Upon request of any of the owners and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners: *Provided*, That any one or more of the owners may elect before a sale to purchase the other interests in the land at not less than the appraised value thereof, and the purchaser shall receive an unrestricted patent or deed to the land; and

(3) If the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safe-keeping.

SEC. 7. (a) The act of June 25, 1910 (36 Stat. 855), the act of February 14, 1913 (37 Stat. 678), and other acts amendatory thereto shall not apply to the probate of the trust and restricted property of the members of the tribes who die 6 months or more after the date of this act.

(b) The laws of the several States, Territories, possessions, and the District of Columbia with respect to the probate of wills, the determination of heirs, and the administration of decedents' estates shall apply to the individual property of members of the tribes who die 6 months or more after the date of this act.

SEC. 8. The Secretary is authorized, in his discretion, to transfer to any tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribes subject to this act which

he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribes will derive benefits.

SEC. 9. No property distributed under the provisions of this act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this act, such property and any income derived therefrom by the individual, corporation, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

SEC. 10. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this act, the Secretary shall protect the rights of members of the tribes who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate.

SEC. 11. Pending the completion of the property dispositions provided for in this act, the funds now on deposit, or hereafter deposited in the Treasury of the United States to the credit of a tribe shall be available for advance to the tribe, or for expenditure, for such purposes as may be designated by the governing body of the tribe and approved by the Secretary.

SEC. 12. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this act, or to establish a marketable and recordable title to any property disposed of pursuant to this act.

SEC. 13. (a) Upon removal of Federal restrictions on the property of each tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians, excluding statutes that specifically refer to the tribe and its members, shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

(b) Nothing in this act shall affect the status of the members of a tribe as citizens of the United States, or shall affect their rights, privileges, immunities, and obligations as such citizens.

(c) Prior to the issuance of a proclamation in accordance with the provisions of this section, the Secretary is authorized to undertake within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Fed-

eral, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 14. (a) Effective on the date of the proclamation provided for in section 13 of this act, the corporate charter of the Confederated Tribes of the Grande Ronde Community, Oregon, issued pursuant to the act of June 18, 1934 (48 Stat. 984), as amended, and ratified by the community on August 22, 1936, is hereby revoked.

(b) Effective on the date of the proclamation provided for in section 13 of this act, all powers of the Secretary or other officer of the United States to take, review, or approve any action under the constitution and bylaws of the tribe are hereby terminated. Any powers conferred upon the tribe by such constitution which are inconsistent with the provisions of the act are hereby terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this act without the participation of the Secretary or other officer of the United States.

SEC. 15. The Secretary is authorized to set off against any indebtedness payable to the tribe or to the United States by an individual member of the tribe, or payable to the United States by the tribe, any funds payable to such individual or tribe under this act and to deposit the amount set off to the credit of the tribe or the United States as the case may be.

SEC. 16. Nothing in this act shall affect any claim heretofore filed against the United States by any tribe.

SEC. 17. Nothing in this act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency.

SEC. 18. The Secretary is authorized to issue rules and regulations necessary to effectuate the purposes of this act, and may in his discretion provide for tribal referendum on matters pertaining to management or disposition of tribal assets.

SEC. 19. All acts or parts of acts inconsistent with this act are hereby repealed insofar as they affect a tribe or its members. The act of June 18, 1934 (48 Stat. 948), as amended by the act of June 15, 1935 (49 Stat. 378), shall not apply to a tribe and its members after the date of the proclamation provided for in section 13 of this act.

SEC. 20. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PREFERENCE RIGHT TO USERS OF WITHDRAWN PUBLIC LANDS

The bill (H. R. 1329) to authorize the Secretary of the Interior to grant a preference right to users of withdrawn public lands for grazing purposes when the lands are restored from the withdrawal was considered, ordered to a third reading, read the third time, and passed.

83^D CONGRESS
2^D SESSION

S. 3379

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1954

Referred to the Committee on Interstate and Foreign Commerce

AN ACT

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Flammable Fabrics Act (67 Stat. 111; 15 U. S. C.
4 secs. 1191–1200) is amended as follows:

5 (1) In section 2 (d) after the comma following: “hats,
6 gloves” insert “scarfs made of plain surface fabrics”; and

7 (2) after subsection (b) of section 4 insert the following:

8 “(c) Notwithstanding the provisions of Commercial
9 Standard 191–53, setting forth the conditions under which
10 samples of fabrics and articles of wearing apparel are to be

- 1 tested, the tests shall be made upon samples which after
- 2 having been previously dried are conditioned to equilibrium
- 3 in the standard textile testing atmosphere of 65 per centum
- 4 relative humidity and seventy degrees Fahrenheit."

Passed the Senate May 17 (legislative day, May 13),
1954.

Attest:

J. MARK TRICE,

Secretary.

AN ACT

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

MAY 18, 1954

Referred to the Committee on Interstate and Foreign
Commerce

83D CONGRESS
2D SESSION

H. R. 9392

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1954

Mr. PATTERSON introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly inflammable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Flammable Fabrics Act (67 Stat. 111; 15 U. S. C.,
4 secs. 1191-1200) is amended as follows:

5 (1) After subsection (b) of section 4 insert the fol-
6 lowing:

7 “(c) Notwithstanding the provisions of Commercial
8 Standard 191-53, setting forth the conditions under which
9 samples of fabrics and articles of wearing apparel are to
10 be tested, the tests shall be made upon samples which after

- 1 having been previously dried are conditioned to equilibrium
- 2 in the standard textile testing atmosphere of 65 per centum
- 3 relative humidity and seventy degrees Fahrenheit.”

83d CONGRESS
2d Session

H. R. 9392

A BILL

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly inflammable.

By Mr. PATTERSON

JUNE 1, 1954

Referred to the Committee on Interstate and Foreign
Commerce

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 4, 1954
For actions of August 3, 1954
83rd-2nd, No. 148

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HIGHLIGHTS: House passed bills to: Cooperate with Mexico and Canada on insect and plant-disease control, authorize long-term leases for forest lands, permit CCC corn sales at lower prices, provide group life insurance for Federal employees, authorize Interior to make loans for reclamation projects. House concurred in Senate corrections of water-facilities loans bill. Reps. Hope and McCormack discussed bill to extend Commodity Exchange Act to coffee. Rep. Patman urged Government aid for family-size farms. Senate passed mutual security bill. Senate debated supplemental appropriation bill, agreeing to committee amendments and further increase in FHA loans. Senate confirmed Butz nomination to CCC Board. Senate committee ordered reported Mexican boundary fence bill. Sen. Knowland announced that debate will begin today on farm program bill.

HOUSE

1. WATER-FACILITIES LOANS. Agreed to the Senate corrections of S. 3137, to amend the Water Facilities Act (pp. 12415-6). This bill will now be sent to the President.
2. CCC GRAIN. Passed as reported H. J. Res. 563, to authorize CCC, until Mar. 1, 1955, to sell at the point of storage any feed grain owned by the Corporation at 10% above the current support price for the commodity (p. 12442). The Agriculture Committee reported the measure with amendment earlier in the day (H. Rept. 2609)(p. 12455).
3. RECLAMATION LOANS. Passed as reported H. R. 5301, under which State and local public agencies could plan, construct, and operate projects costing not over .5 million and receive substantially the same benefits as they would receive if the projects were being constructed as Federal reclamation projects. The bill authorizes the Interior Department to make loans for that portion of a project which would be reimbursable if it were being constructed as a Federal project, and grants for that portion of the project which would be nonreimbursable if it were being constructed as a Federal project. (pp. 12438-40.)
4. INSECTS; PLANT DISEASES. Passed without amendment S. 3697, to authorize

cooperation with Canada or Mexico, or local authorities in those countries, in the control of incipient or emergency outbreaks of insect pests and plant diseases (p. 12383). This bill will now be sent to the President.

5. FORESTRY. Passed as reported H. R. 1254, which authorizes the issuance by Federal agencies of permits, leases, or easements to States or local governments for periods not to exceed 30 years, on lands within their respective jurisdictions (p. 12382).
6. WATER RESOURCES. Passed as reported H. R. 2843, to authorize the Interior Department to investigate and report to Congress on the conservation, development, and utilization of water resources in Hawaii (p. 12381).
7. TRANSPORTATION. Passed without amendment H. R. 6310, to exempt from CAB regulations the transportation of livestock, fish, floricultural, and horticultural commodities (p. 12384).
8. WATER COMPACT. Passed without amendment S. 3699, approving an interstate compact regarding Sabine River waters (p. 12388). This bill will now be sent to the President.
9. PERSONNEL. Passed without amendment S. 3681, authorizing the Civil Service Commission to make available group life insurance for Federal employees (pp. 12421-7). This bill will now be sent to the President. For its provisions see Digest 126.

Passed as reported H. R. 7785, to make permanent the increases in regular annuities under the Civil Service Retirement Act which were granted by Public Law 555, 82nd Cong., and extend such increases to additional annuities purchased by voluntary contributions (p. 12392).

Passed as reported H. R. 9909, to prohibit payment of annuities, under the Civil Service Retirement Act, to Federal officers and employees convicted of certain crimes (pp. 12412-4).

Passed without amendment H. R. 5718, to limit to 6 years the period for collection by the Government of compensation received by officers and employees in violation of the dual compensation laws (p. 12393).
10. RECLAMATION. Passed without amendment H. R. 9981, to provide for construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies (pp. 12440-1).

The Interior and Insular Affairs Committee ordered reported S. 118, authorizing the Washita River Basin project, Okla. (p. D938).
11. TRANSPORTATION; TRAVEL. The Interstate and Foreign Commerce Committee ordered reported S. 906, to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act (p. D938).
12. FLAMMABLE FABRICS. The Interstate and Foreign Commerce Committee ordered reported S. 3379, to exempt from the Flammable Fabrics Act certain fabrics which are not highly flammable (p. D938).
13. LAND TRANSFER. Passed as reported H. J. Res. 550, to permit Federal release of reversionary rights of certain property (formerly FHA) for school purposes in Kern County, Calif. (p. 12394).
14. FAMILY-SIZE FARMS. Rep. Patman recommended that Government programs be

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 6, 1954
For actions of August 5, 1954
83rd-2nd, No. 150

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HIGHLIGHTS: Senate debated farm program bill. Senate agreed to correction of tax revision bill. Senate committees reported bills to authorize Mexican fence, extend watershed law to territories, and increase debt limit. House received conference report on mutual security authorization bill. Joint Committee on Economic Report submitted its report. House sent supplemental appropriation bill to conference and authorized filing of report during recess. Rep. Hill outlined SBA's help in providing grain storage. Rep. Johnson, Wis., urged action on resolution for FTC investigation of milk marketing. Reps. Hope and McCormack discussed emergency farm loans bill.

SENATE

1. FARM PROGRAM. Continued debate on S. 3052, the farm program bill (pp. 12728-41, 12744-62, 12765-805). Sen. Knowland expressed a hope that a vote will be taken today on the Aiken amendment to provide for flexible supports, at 80% to 90% of parity, for 1955. Sens. McCarthy, Schoeppel, and Lehman submitted amendments which they intend to propose to the bill (p. 12721).

The amendments mentioned in Digest 148 would provide as follows: The Williams amendment would require a contribution of 25% to 50% by States to the cost of feed or seed furnished for drought relief. The Smith-Payne amendment would permit the Secretary to designate a State as outside the commercial wheat area if its allotment is 2,500 acres or less, provide that wheat quotas not apply in such cases, and fix price support for wheat to cooperators in such areas at 75% of the support to cooperators in commercial area. The Anderson amendment is identical to S. 3339, to authorize FCA to make Land Bank Commissioner-type loans, as passed by the Senate (see Digest 134).

2. TAXATION. Both Houses agreed to corrections in H. R. 8300, the tax revision bill (pp. 12834, 12777). This bill will now be sent to the President.
3. SOIL CONSERVATION. The Agriculture and Forestry Committee reported with amend-

ments S. 3774, to extend the benefits of the Watershed Protection and Flood Prevention Act to Alaska, Hawaii, and Puerto Rico (S. Rept. 2218)(p. 12721).

4. MEXICAN FENCE. The Interior and Insular Affairs Committee reported without amendment S. 114, authorizing appropriations for construction, operation, and maintenance of the western land boundary fence project (S. Rept. 2227)(p. 12809).
5. DEBT LIMIT. The Finance Committee reported with amendments H. R. 6672, to increase the Government debt limit (S. Rept. 2225)(p. 12809). The "Daily Digest" states that the committee "agreed to temporary increase of \$6 billion (from \$275 billion to \$281 billion) to be terminated June 30, 1955" (p. D948). As passed by the House during the last session, the bill would increase the limit by \$15 billion without the provision regarding its temporary nature.
6. PERSONNEL; RETIREMENT. The Post Office and Civil Service Committee reported without amendment S. 3627, to amend the Civil Service Retirement Act so as to tighten up several "loopholes" (S. Rept. 2230)(p. 12809).
The Committee reported with amendments S. 2631, to prohibit the payment of Government retirement benefits to persons convicted of certain offenses (S. Rept. 2231)(p. 12809).
7. FOREIGN AID. Sen. Wiley urged restoration of the provision for U. N. technical assistance (pp. 12727-8).

HOUSE

8. SUPPLEMENTAL APPROPRIATION BILL, 1955. House conferees were appointed on this bill, H. R. 9936 (p. 12819). Senate conferees have been appointed. The House conferees were authorized to file a report during the House recess at any time through Sat. (p. 12834).
9. ECONOMIC REPORT. The Joint Committee on the Economic Report submitted a report (H. Rept. 2628)(p. 12855).
10. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported without amendment S. 906, to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act (S. Rept. 2629)(p. 12855).
11. FLAMMABLE FABRICS. The Interstate and Foreign Commerce Committee reported with amendment S. 3379, to amend the Flammable Fabrics Act so as to exempt from its application fabrics and wearing apparel which are not highly flammable (S. Rept. 2630)(p. 12855).
12. FARM LOANS. House conferees were appointed on H. R. 8152, to extend to June 30, 1955, the direct home and farm-house loan authority of VA and to make additional funds available therefor (p. 12827). Senate conferees have been appointed.
13. GRAIN STORAGE. Rep. Hill outlined the contribution of loans by the Small Business Administration in providing grain-storage facilities (p. 12812).
14. MILK MARKETING. Rep. Johnson, Wis., urged action on H. J. Res. 554, his proposal for a study and investigation of the milk-marketing system by the Federal Trade Commission (p. 12813).

AMENDING SECTION 4 OF THE FLAMMABLE FABRICS ACT WITH RESPECT TO STANDARDS OF FLAMMABILITY IN THE CASE OF CERTAIN TEXTILES

AUGUST 5, 1954.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

MR. HESELTON, from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

[To accompany S. 3379]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3379) to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert the following:

That section 4 of the Flammable Fabrics Act (15 U. S. C., sec. 1193) is hereby amended by inserting at the end thereof the following subsection:

“(c) Notwithstanding the provisions of paragraph 3.1 Commercial Standard 191-53, textiles free from nap, pile, tufting, flock, or other type of raised fiber surface when tested as described in said Standard shall be classified as Class 1, normal flammability, when the time of flame spread is $3\frac{1}{2}$ seconds or more, and as Class 3, rapid and intense burning, when the time of flame spread is less than $3\frac{1}{2}$ seconds.”

Amend the title so as to read:

An Act to amend section 4 of the Flammable Fabrics Act, with respect to standards of flammability in the case of certain textiles.

The committee amendment to the text of the bill substitutes for the flammability test proposed in the bill as it passed the Senate (which test no longer has the support of the textile industry or the Department of Commerce) a new flammability test which is acceptable to the individuals concerned. This feature of the committee amendment is discussed elsewhere in this report.

Also, the committee amendment deletes from the bill the proposed exemption for scarfs made of plain surface fabrics.

Your committee is convinced that scarfs should be subject to the provisions of the law just as any other item of wearing apparel. They can be as much a danger to human safety as any other improperly protected garments. Scarfs are worn around the head or neck and tied on with a knot which may not be easily removable. Once ignited, the danger of the hair catching on fire is very great. The scarfs cannot be readily discarded under such circumstances.

It should be emphasized that not all the silk scarfs are presently being banned under the Flammable Fabrics Act. The only silk scarfs which are unable to meet the flammability requirements under this law are the very light weight 4-momme and lighter scarfs. The heavier weight silk scarfs of 5-momme weight or higher would generally pass the flammability tests under the present law.

Handkerchiefs up to 24 inches square, according to an administrative ruling of the Federal Trade Commission, are not "articles of wearing apparel" within the meaning of the Flammable Fabrics Act, and are, therefore, exempted from the provisions of this law.

NEED FOR LEGISLATION

The purpose of the Flammable Fabrics Act is to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which have caused either bodily injury or death to numerous individuals.

The major problem in formulating legislation to control the use of dangerously flammable textiles is to discriminate between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous.

The rate of burning of a garment or other textile product depends upon the kind of fiber, the finishing materials present, the structure of the yarn and fabric, and such circumstances as the relative humidity. In general, wool textiles ignite and burn with difficulty while cotton and rayon ignite and burn more readily. The major hazards arise from certain cotton or rayon fabrics having fuzzy or furlike surfaces which flash and burn with exceeding rapidity. Most synthetic textiles melt when heated and the molten material is capable of producing serious burns on coming in contact with the skin.

Section 4 of the Flammable Fabrics Act prescribes the standards of flammability. Commercial standard 191-53, promulgated by the Secretary of Commerce effective January 30, 1953, prescribes the standard for flammability of clothing textiles and commercial standard 192-53, promulgated by the Secretary of Commerce effective May 22, 1953, prescribes the standard of flammability for vinyl plastic film.

The flammability test provided in the Commercial Standard 191-53 makes use of strips of fabric 2 by 6 inches in dimensions. These strips are washed, cleaned, and dried to a bone-dry condition in a prescribed manner. The test consists of measuring the burning time in seconds when the test piece is mounted in a specially designed apparatus, called a flammability tester, and a flame is applied in a prescribed manner. Fabrics with a flame spread of more than 7 seconds are classed as having normal flammability. Those with a flame spread of less than 4 seconds are classed as rapid and intense burning, while

those burning in 4 to 7 seconds are rated as having intermediate flammability. This act prohibits the introduction or movement in interstate commerce of those fabrics which are classed as rapid and intense burning fabrics.

Commercial Standard 192-53 is the industry-approved standard with respect to vinyl plastic film. Such film is used in the manufacture of various articles of wearing apparel such as raincoats, capes, hoods, pants, and aprons. The flammability test is prescribed in paragraph 3.11 of this standard.

Shortly before the effective date of the Flammable Fabrics Act (July 1, 1954), representations were made to your committee to the effect that certain sheer fabrics, such as organdies, tulles, and georgettes, which have been used with safety by the American consumer for many generations, failed by a very narrow margin to pass the 4-second burning time prescribed in the law for non highly flammable textiles, and are therefore banned under this law. It is unfortunate that representatives of manufacturers and processors of such materials were not aware of this difficulty and did not present their problem to the Congress during the time that it was considering, a year ago, the bills to prohibit the introduction or movement of highly flammable fabrics in interstate commerce.

Your committee was advised that the ban on such fabrics will have a very significant effect on the manufacturers and processors of these sheer fabrics. The very sheer organdy produced by the Baltic Mills Co., of Baltic, Conn., normally represents from 40 to 50 percent of its total production. A similar organdy produced by the Ponemah Mills, of Taftville, Conn., represents 25 percent of its sheer-cotton production. The discontinuance of production of this sheer organdy would remove from the market a very fine textile used in the manufacture of women's and children's dresses, that would be difficult to replace. It would also cause unemployment in the mills and the processing plants.

Your committee understands that the textiles produced by these firms would pass the flammability test conducted in accordance with commercial standard 191-53, providing the burning time is lowered from 4 seconds to 3½ seconds. If the law is amended in accordance with the reported bill, this organdy and similar textiles would be permitted to move in commerce, production and employment would be continued, and the public would still be adequately protected against the highly flammable textiles used in wearing apparel which have caused bodily injury and death.

HISTORY OF LEGISLATION

Bills to prohibit the transportation in interstate commerce of highly flammable fabrics and wearing apparel have been introduced in the House beginning with the 79th Congress, 1st session (1945). In the 80th Congress, this committee held extensive hearings on three flammable fabrics bills, namely, H. R. 505, by Mr. Canfield, of New Jersey; H. R. 601, by Mr. Johnson, of California; and H. R. 1111, by Mr. Arnold, of Missouri. Similar bills were introduced during the 81st and 82d Congresses. In the 82d Congress, the Senate passed unanimously on July 3, 1952, S. 2918, a bill similar in many respects to H. R. 5069 of the 83d Congress which was enacted into law. S. 2918

was reported by your committee on July 4, 1952. The House took no action on that bill prior to the adjournment of the Congress on July 7, 1952.

On April 16, 28, and 29, 1953, your Committee on Interstate and Foreign Commerce held public hearings on five similar bills, H. R. 389, by Mr. Canfield, of New Jersey; H. R. 2768, by Mr. Wolverton, of New Jersey; H. R. 3851, by Mr. Canfield, of New Jersey; H. R. 4159, by Mr. Johnson, of California; and H. R. 4500, by Mr. Williams, of Mississippi. The principal objective of all these bills is to prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals. H. R. 5069 was introduced by Mr. Wolverton, chairman of the committee, and at the direction of the committee, as a "clean" bill as a result of the committee hearings and after executive consideration of all the bills pending before the committee. This bill was passed unanimously by the House on June 3, 1953, by the Senate on June 18, 1953, and was approved by the President on June 30, 1953 (Public Law 88, 83d Cong.). This act took effect on July 1, 1954.

Every witness who testified before the committee, without exception, representing virtually all segments of the textile industry and trade, urged prompt and effective Federal legislation to protect the public from the dangers of highly flammable wearing apparel and fabrics used in wearing apparel, and supported these bills in principle. Moreover, the committee was urgently requested to take prompt action on this legislation. It was pointed out that if this legislation is not enacted, a variety of State and local regulations lacking in uniformity might very well ensue. It seemed obvious that uniformity of regulation in this matter is necessary.

Testimony in support of legislation on this subject was received from the Federal Trade Commission, the National Cotton Council of America, the National Retail Dry Goods Association, the Tufted Textile Manufacturers Association, the Society of the Plastics Industry, the Rayon and Acetate Fiber Producers, and others.

Shortly before the effective date of this act, numerous letters and telegrams were received from business firms engaged in the importation and distribution of silk products and from several domestic manufacturers and distributors of organdy, tulle, and similar sheer fabrics, to the effect that this law would ban the importation, manufacture, and sale of such products because these fabrics fail to pass the flammability test for "safe" fabrics under the law. These firms contended that such silk and very sheer fabrics have been used with safety by the American consumer for many generations and that to ban these products would cause severe hardship on them.

In response to the numerous pleas for relief, the Subcommittee on Business and Consumer Interests of the Senate Interstate and Foreign Commerce Committee, made a preliminary investigation of the subject. As a result of this investigation, Senator William A. Purtell, chairman of the subcommittee, introduced on April 29, 1954, the bill, S. 3379. This bill proposed to add scarfs, made of plain surface fabrics, to the other articles of wearing apparel which had already been exempted from the provisions of the Flammable Fabrics Act, namely, certain hats, gloves, and footwear. The bill also proposed a change in the conditions under which samples of textiles were to be tested for flam-

mability. Instead of the test being conducted in a "bone dry" condition, as stipulated in commercial standard 191-53, which is the standard of flammability set forth in section 4 of the Flammable Fabrics Act, S. 3379 proposed that the samples of the fabrics to be tested should first be dried and then be conditioned to equilibrium in an atmosphere of 65 percent relative humidity and 70 degrees Fahrenheit.

Hearings on S. 3379 were held by the Senate Subcommittee on Business and Consumer Interests on May 11, 1954, at which time the bills was heartily endorsed by nearly all witnesses. No opposition was expressed to it. The bill was reported by the entire Senate Committee on Interstate and Foreign Commerce on May 12, 1954, and it passed the Senate on May 18, 1954.

Shortly thereafter, several important communications were received by Mr. Wolverton, chairman of your Committee on Interstate and Foreign Commerce, expressing strong opposition to S. 3379. Such communications came from the National Retail Dry Goods Association, the International Association of Fire Chiefs, the State fire marshal of California, the International Ladies Garment Workers Union, the Textile Workers Union of America, the Northern California Chapter of the Society of Fire Protection Engineers, and even from the Department of Commerce which had previously approved this bill.

The reason for this opposition was the fact that further tests conducted under the formula proposed in the bill produced results that were greatly disturbing to the safety and protection of the public. If enacted, the bill would have the effect of greatly weakening the flammability standard by as much as 300 to 400 percent in the case of some textiles. Illustrative of the comments made by these organizations in opposition to the bill is the letter from the National Retail Dry Goods Association which is quoted in full below:

NATIONAL RETAIL DRY GOODS ASSOCIATION,
New York, N. Y., June 10, 1954.

HON. CHARLES WOLVERTON,
*Chairman, Interstate and Foreign Commerce Committee,
House Office Building, Washington, D. C.*

MY DEAR SIR: The National Retail Dry Goods Association since the inception of the "cowboy" suit incidents of several years ago has devoted itself to the task of trying to eliminate from the market place wearing apparel that was dangerously flammable. We commend you, Mr. Chairman, and the Congress for passing the Flammable Fabrics Act of 1953. Under the provisions of this act the consuming public, we believe, is protected and can feel confident that the goods they buy in American stores are safe.

As you know, this act will become effective on July 1. But during the past few weeks there has developed from several quarters proposals for amending this statute. We wrote you some days ago urging that the Congress move with care before amending a statute prior to its effective date.

With reference to the above-mentioned letter we desire to inform you of certain developments that have since taken place. The members of our technical committee, who have been in consultation with others in the technical field, have submitted these recommendations to us, and we endorse and hereby forward them to you for your consideration.

1. Wherever in the commercial standard reference is made to "textiles without nap, pile, tufting, flock or other type of raised-fiber surface" and mention is made of the time of flame spread as being "4 seconds or more" or "less than 4 seconds," that the time of flame spread be changed to read "3 seconds or more" or "less than 3 seconds" respectively.

This change is not to apply to "napped, piled, tufted, flocked or other textiles having a raised-fiber surface."

It is the unanimous opinion of all the technical people contacted that this change will not materially reduce the degree of safety heretofore provided by the 4-seconds-provision.

2. That scarfs measuring 24 inches or less in finished width and length shall not be deemed to be articles of wearing apparel.

It has been pointed out to the members of our technical committee that historically these scarfs have not been found to be so highly flammable as to be dangerous when worn by individuals.

Our technical committee, however, feels that scarfs measuring more than 24 inches in finished width and length shall be deemed to be articles of wearing apparel.

3. Our technical committee is unalterably opposed to any change in the commercial standard CS 191-53 which alters the conditions of test in any way and particularly to the change which has been advocated in the Purtell amendment that specimens be tested at 70° F. and 65 percent relative humidity. The commercial standard referred to above presently requires that the specimens be dried in a horizontal position in an oven for 30 minutes at 221° F. (105° C.), removed from the oven and placed over anhydrous calcium chloride in a desiccator until cool, but for not less than 15 minutes.

Our opposition to the change in the condition of test stems from—

(a) The fact that the humidity which exists in all parts of the country at some time and more particularly in the central and western parts of the country during all seasons, and in all sections of the country in the winter, is frequently considerably below 65 percent and at times closely approaches the conditions of test presently set forth in commercial standard CS 191-53.

(b) The proponents of the change in humidity to 65 percent relative humidity have not conducted sufficient tests to prove the validity of their contention that such a change is desirable. The data so far developed indicate the contrary to be the case and further indicate that some textiles which are so highly flammable as to be dangerous when worn by individuals would, when tested under condition of 65 percent relative humidity, be passed as being relatively safe.

Since the Purtell amendment elects to sidestep that provision of the commercial standard which sets forth the conditions under which specimens shall be dried, our technical committee is unalterably opposed to any amendment of the law which will negate the conditions of test as set forth in the commercial standard CS 191-53.

In conclusion, therefore, we wish to reiterate that any change in the conditions of test as presently set forth in commercial standard CS 191-53 would not be in the public interest.

Respectfully yours,

J. GORDON DAKINS,
Executive Vice President.

Another typical letter in opposition to the bill was received from Mr. Joe R. Yockers, State fire marshal of the State of California. This letter states, in part:

* * * On some of the more hazardous types of nap-surfaced materials, this proposed amendment will lower the standards by as much as 300 or 400 percent and the effect thereof will be to pass practically every kind of fabric now manufactured. If this amendment (S. 3379) is approved, it can no longer be said that the National Flammable Fabrics Act is for the protection of the general public but will simply be a bill to protect manufacturers against the lawful suits to reclaim damage for injuries and deaths resulting from the sale of these dangerously flammable materials.

* * * * *

The effect of approving this legislation will be that of sacrificing the lives of many people, particularly among the children of this country and I cannot believe that your committee or the Congress of the United States would knowingly jeopardize the welfare of our citizens. I therefore request that your committee disapprove Senate bill 3379.

The Department of Commerce also withdrew its support from the new flammability testing formula proposed in S. 3379 and similar House bills, H. R. 9193 and H. R. 9392. In his letter of June 16, 1954, addressed to the chairman of your Committee on Interstate and Foreign Commerce, Acting Secretary of Commerce, Mr. Walter Williams, stated in part:

* * * * *

The bills pending before your committee would resolve this aspect of the problem by modifying the test to provide that the material to be tested should be tested when it is in equilibrium in the standard testing atmosphere of 65 percent relative humidity and 70° F. Under the existing standard the test is made on the material in an extremely dry condition.

In commenting on S. 3379 to the Committee on Interstate and Foreign Commerce of the Senate and in a communication directed to the Committee on Interstate and Foreign Commerce of the House, dated May 14, 1954, we urged that these modifications be enacted into law. We have, since that time, through tests which have been conducted, determined that many fabrics with a raised-fiber surface, when tested under the standard testing atmosphere prescribed by S. 3379, show such a wide disparity of burning characteristics as to raise questions concerning the adequacy of the proposed revision as a safeguard.

It is recommended that instead of testing fabrics under the standard testing conditions, which give us concern for the reasons set forth above, a minimum of 3 seconds burning time be established for plain-surface fabrics and that the 4-second minimum be maintained for raised-surface fabrics. The tests would be performed under the dry conditions established by CS 191-53 as presently incorporated in the Flammable Fabrics Act. The differences in burning times are sufficiently justified, in our opinion, by the more intense burning of the raised surface fabrics. We are advised by technical experts in the field of flammability of textiles at the National Bureau of Standards of the Department that sheer plain-surface fabrics burning within these limits have been in conventional use for many years and that most of these fabrics with raised surfaces which have apparently caused recent accidents because of their unusual flammability would be banned by the 4-second limit which remains in effect for such fabrics.

The various proposals to avoid the real difficulty with respect to conventional sheer plain-surface fabrics have been discussed thoroughly with members of the standing committee for CS 191-53. This committee which participated actively in the development of the standard was unanimous in the opinion that the solution herein proposed would provide adequate and appropriate safeguards against fabrics of unusual hazards and at the same time allow interstate traffic in conventional sheer plain-surface fabrics which do not present such unusual hazards. * * *

The recommendation of the Acting Secretary of Commerce that a minimum of 3 seconds burning time be established for plain-surface fabrics, while maintaining the 4-second minimum for raised-surface fabrics, and conducting the tests under the "bone dry" conditions established by commercial standard 191-53, was explored by the chairman of your Committee on Interstate and Foreign Commerce with many interested parties. As a result of these discussions and communications, it developed that a reduction of the burning time from 4 to 3½ seconds for plain-surface fabrics would be sufficient to qualify as "safe" those sheer fabrics which now fail to pass the flammability requirements under the law by a very narrow margin. A letter from the Ponemah Mills, shown in the appendix to this report, states that such an amendment would be adequate to permit the movement in commerce of the sheer fabrics which now fail to pass the flammability test. Moreover, the view was expressed that this amendment would have the support of the cotton textile industry. Your committee was also assured that this reduction in burning time to 3½ seconds for plain-surface fabrics would not materially lessen the safety to the public which the Congress sought to provide by the enactment of the Flammable Fabrics Act.

REPORTS FROM EXECUTIVE DEPARTMENTS AND AGENCIES

The reports from the executive departments and agencies on the bill are included in the appendix to this report.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed by the Senate, are shown as follows (new matter is printed in *italics*, existing law in which no change is proposed is shown in roman):

SECTIONS 2 AND 4 OF THE FLAMMABLE FABRICS ACT

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "commerce" means commerce among the several States or with foreign nations, or in any territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(c) The term "Territory" includes the insular possessions of the United States and also any Territory of the United States.

(d) The term "article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals except hats, gloves, *scarfs made of plain surface fabrics* and footwear: *Provided, however,* That such hats do not constitute or form part of a covering for the neck, face, or shoulders when worn by individuals: *Provided further,* That such gloves are not more than fourteen inches in length and are not affixed to or do not form an integral part of another garment: *And provided further,* That such footwear does not consist of hosiery in whole or in part and is not affixed to or does not form an integral part of another garment.

(e) The term "fabric" means any material (other than fiber, filament, or yarn) woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute therefor which is intended or sold for use in wearing apparel except that interlining fabrics when intended or sold for use in wearing apparel shall not be subject to this Act.

(f) The term "interlining" means any fabric which is intended for incorporation into an article of wearing apparel as a layer between an outer shell and an inner lining.

(g) The term "Commission" means the Federal Trade Commission.

(h) The term "Federal Trade Commission Act" means the Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended.

* * * * *

STANDARD OF FLAMMABILITY

SEC. 4. (a) Any fabric or article of wearing apparel shall be deemed so highly flammable within the meaning of section 3 of this Act as to be dangerous when worn by individuals if such fabric or any uncovered or exposed part of such article of wearing apparel exhibits rapid and intense burning when tested under the conditions and in the manner prescribed in the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1953, and identified as "Flammability of Clothing Textiles, Commercial Standard 191-53," or exhibits a rate of burning in excess of that specified in paragraph 3.11 of the Commercial Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192-53." For the purposes of this Act, such Commercial Standard 191-53 shall apply with respect to the hats, gloves, and footwear covered by section 2 (d) of this Act, notwithstanding any exception contained in such Commercial Standard with respect to hats, gloves, and footwear.

(b) If at any time the Secretary of Commerce finds that the Commercial Standards referred to in subsection (a) of this section are inadequate for the protection of the public interest, he shall submit to the Congress a report setting forth his findings together with such proposals for legislation as he deems appropriate.

hibits an intense flame contributing significantly to the unusual hazard. This intensity of burning is not found in the burning of the plain-surface fabrics. We have given considerable thought to various proposals that have been made to resolve this difficulty. In general, and particularly in embarking upon control in a new field such as is here undertaken, every precaution should be taken to keep regulation to the bare minimum necessary to accomplish the congressional purpose, i. e., the removal of unusual hazards.

The bills pending before your committee would resolve this aspect of the problem by modifying the test to provide that the material to be tested should be tested when it is in equilibrium in the standard testing atmosphere of 65 percent relative humidity and 70° F. Under the existing standard the test is made on the material in an extremely dry condition.

In commenting on S. 3379 to the Committee on Interstate and Foreign Commerce of the Senate and in a communication directed to the Committee on Interstate and Foreign Commerce of the House, dated May 14, 1954, we urged that these modifications be enacted into law. We have, since that time, through tests which have been conducted, determined that many fabrics with a raised fiber surface, when tested under the standard testing atmosphere prescribed by S. 3379, show such a wide disparity of burning characteristics as to raise questions concerning the adequacy of the proposed revision as a safeguard.

It is recommended that instead of testing fabrics under the standard testing conditions, which give us concern for the reasons set forth above, a minimum of 3 seconds burning time be established for plain-surface fabrics and that the 4-second minimum be maintained for raised-surface fabrics. The tests would be performed under the dry conditions established by CS 191-53 as presently incorporated in the Flammable Fabrics Act. The differences in burning times are sufficiently justified, in our opinion, by the more intense burning of the raised-surface fabrics. We are advised by technical experts in the field of flammability of textiles at the National Bureau of Standards of the Department that sheer plain-surface fabrics burning within these limits have been in conventional use for many years and that most of those fabrics with raised surfaces which have apparently caused recent accidents because of their unusual flammability would be banned by the 4-second limit which remains in effect for such fabrics.

The various proposals to avoid the real difficulty with respect to conventional sheer plain-surface fabrics have been discussed thoroughly with members of the standing committee for CS 191-53. This committee which participated actively in the development of the standard was unanimous in the opinion that the solution herein proposed would provide adequate and appropriate safeguards against fabrics of unusual hazards and at the same time allow interstate traffic in conventional sheer plain-surface fabrics which do not present such unusual hazards. There follows a revised section (c), which, when substituted for the section (c) proposed by the bills pending before your committee, would carry out this intention:

"(c) Notwithstanding the provisions of paragraph 3.1, commercial standard 191-53, textiles free from nap, pile, tufting, flock, or other type of raised-fiber surface when tested as described in said standard shall be classified as class 1, normal flammability, when the time of flame spread is 3 seconds or more, and as class 3, rapid and intense burning, when the time of flame spread is less than 3 seconds."

We have been advised by the Bureau of the Budget that they would interpose no objection to the submission of this report to your committee.

If we can be of further assistance in this matter, please call on us.

Sincerely yours,

WALTER WILLIAMS,
Acting Secretary of Commerce.

THE SECRETARY OF COMMERCE,
Washington, June 22, 1954.

HON. CHARLES A. WOLVERTON,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request for the views of the Department of Commerce with respect to H. R. 9392, a bill to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly inflammable.

We recommend against enactment of H. R. 9392 in its present form.

14 AMEND SECTION 4 OF THE FLAMMABLE FABRICS ACT

On June 10, 1954, the views of the Department with respect to H. R. 9193 and S. 3379 were submitted to you. These latter bills are identical with each other and are the same as H. R. 9392 with one exception which is that H. R. 9392 does not include scarfs made of plain-surface fabrics as an exemption from the application of the Flammable Fabrics Act.

For reasons set forth in detail in our letter of June 16, the Department urges the exemption from the application of the act of scarfs made from plain-surface fabrics.

The amendment to section 4 of the Flammable Fabrics Act proposed by H. R. 9392 is, as stated above, identical to the amendment to that section proposed by S. 3379 and H. R. 9193. The Department favors the purpose of this amendment as exempting from the application of the act certain sheer plain-surface fabrics which do not, in contrast to certain raised or pile-surface fabrics, display an intense flame on ignition. These sheer fabrics are conventional fabrics and have been in commerce for many years with no historical pattern of unusual hazard to the person. For reasons set forth in detail in our letter of June 16, we do not, however, favor the procedure proposed by H. R. 9392 for effecting this exemption, but rather recommend the enactment of the alternative procedure set forth in that letter.

No objection was taken by the Bureau of the Budget to our views as set forth in the letter of June 16.

If we can be of further assistance in this matter, please call on us.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

THE SECRETARY OF COMMERCE,
Washington, D. C., July 27, 1954.

HON. CHARLES A. WOLVERTON,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to a telephonic request from your staff for the views of the Department of Commerce with respect to a proposed amendment to the Flammable Fabrics Act to provide for a minimum flame spread time of 3.5 seconds when testing plain surface fabrics. On June 16, 1954, we transmitted to you our comments on H. R. 9193 and S. 3379, legislative proposals to amend the act for the purpose of allowing interstate commerce in certain conventional types of fabrics when they do not present unusual hazards. On June 22, we reported to you on a similar bill, H. R. 9392.

In our previous comments, we urged that the minimum flame spread time be reduced from 4 seconds to 3 seconds for plain surface fabrics and recommended amendatory language for this purpose. We share your desire to maintain a standard of flammability which will foreclose interstate traffic in unusually dangerous fabrics. As you know from our previous comments, however, we do not want the standard of this act to outlaw conventional type fabrics which do not, in our opinion, present unusual hazards. We believe that a standard setting a minimum time of 3.5 seconds would allow commerce in most of the conventional type cotton fabrics and we would, therefore, interpose no objection to such an amendment. We stress again our view that this more liberal standard would be applicable only to plain surface fabrics which do not exhibit the intense burning of the piled or tufted fabrics.

We urge, however, that the exemption which would be provided for plain surfaced scarfs by S. 3379 and H. R. 9193 be included in any proposal enacted by the Congress. These scarfs do not, in our opinion, exhibit unusual hazard and do represent an important item in our foreign and domestic trade.

We are advised by the Bureau of the Budget that no objection would be taken to the submission of this report to the committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

DEPARTMENT OF COMMERCE,
NATIONAL BUREAU OF STANDARDS,
Washington, July 2, 1954.

HON. CHARLES A. WOLVERTON,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN WOLVERTON: Your letter of June 30, 1954, requested comments on certain provisions of S. 3379, H. R. 9193, and H. R. 9392 relating to proposed amendments to the Flammable Fabrics Act. Normally it is our procedure to transmit comments on proposed legislation to the Office of the Secretary of Commerce for incorporation in a policy position by the Secretary. In this case, however, we have secured permission of the Office of the General Counsel of the Department to reply directly to your letter.

I am enclosing a copy of a memorandum of July 1 to the Department's General Counsel commenting on certain provisions of the aforementioned bills. Your letter, however, specifically requests a report on tests performed by the Bureau in connection with a proposed new subsection (c) to section 4 of the act. I should point out first that our tests relating to this item include a limited range of materials. They do, however, show that certain lightweight plain-surface silk and cotton fabrics fail the 4-second test but pass the 3-second test. Thus the present and proposed values are in a range where the value selected is arbitrary and where small changes in this value would tend either to include or exclude certain borderline materials. Also, our tests indicate that the burning characteristics of plain-surface fabrics are different from those of the raised-surface fabrics so that one might develop a sound technical reason for providing a different time limit in one class than in the other.

As to whether the proposed change would materially lessen the safety to the public, we do not feel qualified to make a recommendation. There is some degree of hazard in nearly all fabrics and any precisely selected cutoff point involves a certain amount of arbitrariness. Thus, it would be difficult to establish that the proposed change of 4 to 3 seconds in the burning time for plain-surface fabric would represent an appreciable increase in the hazard to the public.

Sincerely yours,

A. V. ASTIN, *Director*.

PROPOSED REVISION OF THE FLAMMABLE FABRICS ACT, PUBLIC LAW 88,
83D CONGRESS

JULY 1, 1954.

STEPHEN F. DUNN,
General Counsel, Department of Commerce

Mr. McClure of your office discussed with Dr. Robertson, Chief of the NBS Fire Protection Section, two proposed revisions in the Flammable Fabrics Act and asked for an official opinion.

The proposal to change from the oventdrying method of conditioning fabrics prior to test to a method which would permit testing with some moisture content, we would definitely advise against. Commercial standard 191-53, which prescribes the oventdrying process, was developed as a voluntary standard by members of the textile industry with assistance of the National Bureau of Standards. The conditioning method described in this standard (that of oventdrying the specimen) was selected because the test was of a safety character and most fabrics have shown an increase in hazardous flammability in the dry condition. Such dry condition of the fabric is frequently approached under the winter heating conditions in many homes, as well as through the year in the more arid sections of the country. The National Bureau of Standards considers this a realistic approach to the selection of a standard moisture content of the fabric being tested.

Data on the effect of conditioning fabrics to higher moisture content prior to test are limited, but those now available indicate that there is likely to be no general correlation between the flammability of fabrics so treated and their flammability in the oventdry condition. The results of the tests referred to in our memorandum on this subject of May 18, 1954, to Mr. Morrow have shown that a brushed rayon fabric burned very much slower when tested after conditioning as proposed than when tested after oventdrying as provided in the law. Also, the tests showed that the burning behavior of cotton flannels was markedly changed. These findings cast grave doubts on the advisability of the proposed change.

Concerning the proposal to change from 4 seconds to 3 seconds the standard burning time as the criterion of high flammability, the National Bureau of Standards has no definite advice to give. Data are lacking as to how such a change would affect the sorting of hazardous from acceptable fabrics. The line of demar-

cation itself is an arbitrary one and not subject to definition by simple test procedures. Therefore, we do not feel in a position to recommend either for or against this aspect of the proposal.

A. V. ASTIN,
Director, National Bureau of Standards.

FEDERAL TRADE COMMISSION,
Washington, July 7, 1954.

HON. CHARLES A. WOLVERTON,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: Reference is made to your letters of May 20, 21, and June 3, 1954, requesting reports upon S. 3379, H. R. 9193, and H. R. 9392, respectively, all of the 83d Congress, 2d session. S. 3379 and H. R. 9193 in substance are identical and H. R. 9392 differs only in that it does not contain a provision appearing in the other two bills which would exclude "scarfs made of plain surface fabrics" from the definition of wearing apparel in the Flammable Fabrics Act.

Under date of May 6, 1954, the Commission made a report upon S. 3379 to the chairman of the Committee on Interstate and Foreign Commerce of the Senate stating that it had "no information which would warrant the expression of objection to the proposed amendments" to the Flammable Fabrics Act. As stated in this report it is our understanding that the exclusion of scarfs made of plain-surface fabric from the coverage of the act is intended to permit the continued sale of scarfs made of conventional sheer materials, especially sheer silk, but to leave within the coverage of the act those having a napped or raised surface which may be liable to flash burning. It is further our understanding that the proposed amendment to section 4 of the Flammable Fabrics Act which would change the testing method provided by the statute is intended to avoid the probable result of the application of the presently prescribed standard in preventing future use of a number of conventional sheer fabrics heretofore commonly used as dress materials.

The change in testing method provided by S. 3379 would require that in determining whether fabrics or articles of wearing apparel exhibit a rate of burning in excess of the prescribed standard that the tests, instead of being made with oven-dried samples, shall be made with samples which, after being dried, are conditioned to equilibrium in an atmosphere of 70° F. and 65 percent relative humidity. It was our information at the time of this report, and also the view of the Department of Commerce, that this change in testing standards would not materially alter the effect of the act as to so-called torch sweaters, cowboy playsuits, and similar napped or raised-surface fabrics. We are now informed that since the reports were made to the Senate committee upon S. 3379 the Department of Commerce has determined through tests which have been conducted that certain fabrics having a raised-fiber surface, when tested under the change in technique proposed in S. 3379, show such a wide disparity of burning characteristics as to give rise to question as to the adequacy of the protection which would be afforded under the proposed revision.

It is our understanding that the Department of Commerce, after consultation with technical experts in the field of flammability of textiles at the National Bureau of Standards and with the members of the standing committee for CS 191-53, is now proposing an amendment to section 4 of the act in lieu of that contained in the three bills under consideration. In substance this proposed amendment would lower the burning time specified for acceptability under the tests, as to plain-surface fabrics only, from 4 seconds to 3 seconds. As you know the present act contains a provision that if at any time the Secretary of Commerce finds that the flammability standards provided in the act are inadequate for the protection of the public interest "he shall submit to the Congress a report setting forth his findings together with such proposals for legislation as he deems appropriate."

The Commission has no information which would warrant the expression of objection to the legislation proposed by the three bills if amended in conformity with the proposal made by the Department of Commerce.

Sincerely yours,

EDWARD F. HOWREY, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,

BUREAU OF THE BUDGET,
Washington, D. C., July 6, 1954.

HON. CHARLES A. WOLVERTON,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your requests of May 20, May 21, and June 3, 1954, for the views of the Bureau of the Budget on S. 3379, H. R. 9193, and H. R. 9392, bills which would amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

Because the Department of Commerce has special competence in this matter, the Bureau of the Budget defers to its views as expressed in its reports to your committee of June 22 and June 16, 1954.

Sincerely yours,

DONALD R. BELCHER,
Assistant Director.

C

83^D CONGRESS
2^D SESSION

S. 3379

[Report No. 2630]

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1954

Referred to the Committee on Interstate and Foreign Commerce

AUGUST 5, 1954

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Flammable Fabrics Act (67 Stat. 111; 15 U. S. C.
4 secs. 1191-1200) is amended as follows:

5 (1) In section 2 (d) after the comma following: "hats,
6 gloves" insert "scarfs made of plain surface fabrics"; and

7 (2) after subsection (b) of section 4 insert the following:

8 “(e) Notwithstanding the provisions of Commercial
9 Standard 191-53, setting forth the conditions under which
10 samples of fabrics and articles of wearing apparel are to be

1 tested, the tests shall be made upon samples which after
2 having been previously dried are conditioned to equilibrium
3 in the standard textile testing atmosphere of 65 per centum
4 relative humidity and seventy degrees Fahrenheit.”

5 *That section 4 of the Flammable Fabrics Act (15 U. S. C.,*
6 *sec. 1193) is hereby amended by inserting at the end thereof*
7 *the following subsection:*

8 “(c) Notwithstanding the provisions of paragraph 3.1
9 Commercial Standard 191-53, textiles free from nap, pile,
10 tufting, flock, or other type of raised fiber surface when
11 tested as described in said standard shall be classified as class
12 1, normal flammability, when the time of flame spread is
13 three and one-half seconds or more, and as class 3, rapid and
14 intense burning, when the time of flame spread is less than
15 three and one-half seconds.”

Amend the title so as to read: “An Act to amend section
4 of the Flammable Fabrics Act, with respect to standards of
flammability in the case of certain textiles.”

Passed the Senate May 17 (legislative day, May 13),
1954.

Attest:

J. MARK TRICE,

Secretary.

Union Calendar No. 902

83^d CONGRESS
2^d Session

S. 3379

[Report No. 2630]

AN ACT

To amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

MAY 18, 1954

Referred to the Committee on Interstate and Foreign
Commerce

AUGUST 5, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Aug. 10, 1954

5. VIRGIN ISLANDS. The Agriculture Committee reported without amendment H. R. 10077, to restore the USDA animal-poultry inspection authority, regarding imports into the Virgin Islands, on a modified basis (H. Rept. 2653) (p. 13202).
6. CCC CLAIMS. The Agriculture Committee ordered reported H. R. 6878, to amend the CCC Charter Act in order to relieve innocent purchasers of fungible goods converted by warehousemen from CCC claims (p. D968).
7. FLAMMABLE FABRICS. Passed as reported S. 3379, to amend the Flammable Fabrics Act so as to exempt from its application fabrics and wearing apparel which are not highly flammable (pp. 13180-3).
8. SOIL CONSERVATION. Rep. Miller, Kans., spoke in favor of flood prevention through soil conservation practices in watersheds and praised the recently enacted Hope-Aiken watershed development bill (pp. 13200-1).
9. LEGISLATIVE PROGRAM. Agreed to consider the Consent and Private Calendars Thurs. On objection by Rep. Hoeven, the House did not adjourn over until Thurs., in order that the farm program bill could be sent to conference on Wed. Rep. Arends stated that, if the House does not receive a conference report to consider, it is planned to adjourn over from Thurs. until Mon. (p. 13197).

ITEMS IN APPENDIX

10. FARM PROGRAM. Extension of remarks of Rep. Vursell commending the Eisenhower administration for "the greatest effort that has ever been made by our Government... to be helpful to the farmers," and citing some of the accomplishments in the farm program (pp. A5933-4).
Extension of remarks of Rep. Ellsworth giving a summary of legislation which has been acted upon during the current Congress, including several bills affecting forests and forestry (pp. A5907-10).
11. FORESTRY. Rep. Metcalf inserted an Outdoor Writers Association of America resolution and an Anaconda Standard article urging passage of H. R. 8225, to establish public use of national forest lands and use 10% of receipts to develop recreation areas, etc. (p. A5929).
12. FARM PRICES. Sen. Thye inserted a Christian Science Monitor article, "Retail Food Prices Rise as Farm Income Drops" (p. A5927).
13. PERSONNEL. Speeches of Reps. Springer and Buchanan favoring H. R. 9245, the postal pay raise bill (pp. A5928-9).
Rep. Davis, Wis., inserted a transcript of Earl Godwin's (NBC news commentator) news report criticizing passage of a pay raise bill for postal employees, without including all Federal employees (p. A5930).

COMMITTEE HEARINGS RELEASED BY GPO

14. FLOOD CONTROL. H. R. 9859, the omnibus flood control bill. Subcommittee on Flood Control-Rivers and Harbors, S. Public Works Committee.

BILLS INTRODUCED

15. DROUGHT RELIEF. H. R. 10213, by Rep. Mack, Ill., and S. 3853, by Sen. Douglas, to provide for the relief of droughts in the U. S.; to Interior and Insular Affairs Committees (pp. 13203, 13205).

For myself and my colleagues from Chicago I extend to the widow, the sons, and the other members of Jim Buckley's family our deepest sympathy.

[Mr. REES of Kansas addressed the House. His remarks will appear hereafter in the Appendix.]

Mr. MACK of Illinois. Mr. Speaker, I wish to join with my colleagues in paying tribute to the Honorable James Buckley, of Lansing, Ill. The news of his death has saddened the hearts of all those who knew him. It was my privilege to serve with Jim Buckley during the 81st Congress. During those 2 years, he aggressively pressed for legislation which would benefit the working people, not only in his district in Cook County, but the entire Nation as well. Mr. Buckley believed in the principles of organized labor and in the betterment of working standards for all men. His votes in Congress always vividly reflected this view. He was an unrelenting opponent of all legislation which was not in the interest of the working people of this Nation.

James Buckley served in this body with distinction. He was a great American and a Christian gentleman. His loss will be keenly felt by all who served with him. To his wife and family who loved and honored him, I offer my sincere condolences.

ADJOURNMENT OF CONGRESS A HUNDRED YEARS AGO THIS WEEK

(Mr. MULTER asked and was given permission to address the House for 1 minute.)

Mr. MULTER. Mr. Speaker, I think we can stand the injection of a word of levity into the solemn proceedings of this very deliberative body. Therefore, I quote an item appearing in last Sunday's New York Herald Tribune under the heading "A Hundred Years Ago This Week" in the New York Tribune. It is indeed apropos:

Congress finally adjourned yesterday morning, immediately after meeting. In consequence of a breakdown in the telegraph, we have no details of the dispersion. The whole country will experience a grateful sensation of relief, when they hear that their representatives have really separated.

MODERNIZE THE FAIR LABOR STANDARDS ACT

(Mr. LANE asked and was given permission to extend his remarks at this point.)

Mr. LANE. Mr. Speaker, modernize the Fair Labor Standards Act.

The Fair Labor Standards Act became effective in 1938—16 years ago.

So many changes have occurred since then, that the time spread seems more like 60 than 16. Prices and wages have left 1938 far, far behind. The Fair Labor Standards Act of that year is hopelessly out of date and out of touch with present conditions.

To bring it within speaking distance of reality, I have introduced a bill to raise the minimum wage from 75 cents to \$1.25 per hour, and to bring 9 million more workers under its coverage.

Even the original act was a misnomer, because its true intent was riddled by amendments.

Too many special pleaders "got out from under."

Most of us recognize that a few industries can pay a minimum higher than the \$1.25 per hour that is proposed. Under my bill, tripartite industry committees are authorized to adjust these particular situations.

New legislation is required to reach those employers who, under one pretext or another, have failed to declare their employees in on their own progress.

Ignoring the fact that average hourly earnings of factory workers have gone up from 62 cents to \$1.79 per hour during the past 16 years.

Refusing to admit that the cost of living for lower income groups has increased 120 percent.

Blind to the actual minimum wage of \$1.25 or higher that prevails in American industry today.

Brushing aside the increasing skill and experience of the workers which adds to the production and profits of the employer.

The one-way philosophy that somehow expected that underpaid workers would, by some miracle, be able to make the purchases that would support a high level of economic activity was tragically repudiated in 1929.

Substandard wages in any industry have a way of penalizing the industry itself. Those who oppose reasonable progress for their employees, usually become victims of their own shortsightedness. Lack of recognition or incentive eventually drives their best employees into other fields. Resistance to change leads to slow motion. The exploiters gain an initial advantage, but lose out in the long run.

In the meantime, before they are brought to book, they have harmed their own workers, and have been a drag upon progressive employers.

I recall that in 1950 those industries that were paying less than 75 cents per hour voluntarily brought their wages into line when they saw that Congress was going to act to raise the statutory rate.

The anguished cries suddenly subsided.

They were able to pay the increased minimum all along.

The Fair Labor Standards Act, if it only lived up to the economic justice implicit in its title, would protect the wages of helpless, unorganized, and depressed millions who depend upon the laws of this Nation to prevent slave labor.

We can no longer afford the exemptions that make a mockery of the present law.

Our economy depends upon the widest possible spread of adequate purchasing power.

Any evasion of this economic law weakens our genuine domestic security.

Therefore I have introduced a bill to strengthen FLSA, to prepare the groundwork and to stimulate early hearings by the Labor Committees of the House

and Senate so that there will be no excuse for further postponement when this vital issue is brought up for congressional action.

AMERICAN MERCHANT MARINE

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute.)

Mr. FRIEDEL. Mr. Speaker, S. 3233 which provides for transportation on privately owned American-flag vessels of at least 50 percent of the United States Government financed cargoes represents years of concentrated activity to insure a fair deal for our hard-hit American merchant marine. The bill has passed the Senate, been favorably reported out of the House Merchant Marine and Fisheries Committee and has been pending in the Rules Committee since July 22.

I feel that it is imperative the Rules Committee at least report this vital bill and give the Members of the House a right to vote on the legislation. I am 100 percent in favor of the measure, and am confident that if the bill is brought out on the floor it will pass by a great majority.

It seems to me it is shortsighted indeed, on the part of a few, to keep the overwhelming majority of the House who are in favor of S. 3233 from the right to vote on the legislation.

Time is of the essence. I urge the Rules Committee to bring this all important bill—S. 3233—to the floor for a vote.

[Mrs. FRANCES P. BOLTON addressed the House. Her remarks will appear hereafter in the Appendix.]

COMMITTEE ON THE JUDICIARY

Mr. WALTER. Mr. Speaker, I ask unanimous consent that I may be permitted to file minority views, report No. 2651.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WALTER]?

There was no objection.

CORRECTION OF ROLL CALL

Mr. KEARNEY. Mr. Speaker, on roll call 140 of yesterday I am carried as voting "yea." I voted "nay." I ask unanimous consent that the permanent Record and Journal may be corrected accordingly.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

EXPENSES OF SELECT COMMITTEE

Mr. MORANO. Mr. Speaker, by direction of the Committee on House Administration I call up House Resolution 701 and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the expenses of conducting the investigation authorized by House Resolution 549, 83d Congress, incurred by the Select Committee To Investigate and Study Benefits Provided Under Federal Law for the

Surviving Dependents of Deceased Members and Former Members of the Armed Forces, not to exceed \$20,000 including expenditures for the employment of such experts, special counsel, and such clerical stenographic, and other assistants shall be paid out of the contingent fund of the House on vouchers authorized by said committee and signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia, if not otherwise engaged.

The resolution was agreed to, and a motion to reconsider was laid on the table.

AMENDMENT TO SECTION 709, TITLE 18, UNITED STATES CODE

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3769) to amend section 709 of title 18, United States Code, so as to protect the name of the Federal Bureau of Investigation from commercial exploitation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. REED]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 709 of title 18, United States Code, is amended by inserting immediately after the eighth paragraph thereof a new paragraph as follows:

"Whoever, except with the written permission of the Director of the Federal Bureau of Investigation, knowingly uses the words 'Federal Bureau of Investigation' or the initials 'FBI,' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the Federal Bureau of Investigation; or."

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 9921) was laid on the table.

A motion to reconsider was laid on the table.

PROVIDING PAYMENT OF FEES TO COUNSEL ASSIGNED TO REPRESENT INDIGENT DEPENDENTS IN FELONY CASES

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10158) to provide for the payment of fees to counsel assigned to represent indigent defendants in felony cases.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3006 of title 18, United States Code, is amended to read as follows:

"§ 3006. Fees for counsel assigned to indigent defendants

"Whenever a district court assigns counsel to represent an indigent defendant charged with a felony, the court may allow to each such counsel, upon the termination of the services rendered, a fee of not to exceed the following amounts, namely:

"(1) Where the defendant is charged with an offense punishable by death, \$250;

"(2) Where the defendant is charged with any other felony, \$100."

SEC. 2. The analysis of chapter 201 of title 18, United States Code, is amended by striking out item 3006 and inserting in its place the following item:

"3006. Fees for counsel assigned to indigent defendants".

SEC. 3. There are hereby authorized to be appropriated to the United States courts, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO FLAMMABLE FABRICS ACT

Mr. HESELTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3379) to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. KLEIN. Mr. Speaker, reserving the right to object, and I shall not object, I simply take this time to point out that while I favor an amendment to the Flammable Fabrics Act, I do not believe this bill goes far enough. In fact, I am in favor of the Purtell bill which was passed by the Senate. I am hopeful that when the bill goes to conference the Senate will insist on its version of the bill and that that is the way it will finally pass. I withdraw my reservation.

Mr. NICHOLSON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts if this takes care of the textile industry in Massachusetts? Apparently, they have reached the place where they do not know exactly where they are.

Mr. HESELTON. This amendment is intended to relieve the situation in regard to certain mills that manufacture sheer articles. There is only a very slight change which has been approved by the department, and by the industry. I know of no objection other than the one indicated by the gentleman from New York [Mr. KLEIN].

Mr. NICHOLSON. This matter was referred to the Department of Commerce or to some department in the Federal Government because we could not just exactly agree on something. All I want to know is if they have agreed that these so-called flammable things are manufactured in Massachusetts?

Mr. HESELTON. Yes. There are two mills in Massachusetts and two in Con-

necticut. The Department of Commerce and the textile industry are in accord with this change and it will take care of the situation to which the gentleman refers.

(Mr. SEELY-BROWN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SEELY-BROWN. Mr. Speaker, I rise in support of S. 3379, as amended by the Committee on Interstate and Foreign Commerce. This bill amends the Flammable Fabrics Act, Public Law 88, 83d Congress.

The purpose of the act is to properly protect the public from the danger surrounding the use of wearing apparel made of highly flammable textiles of the types which have caused either bodily injury or death to numerous individuals.

The major problem in formulating legislation to control the use of dangerously flammable textiles is to distinguish between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous.

Shortly before the effective date of the Flammable Fabrics Act—July 1, 1954—representations were made to the Committee on Interstate and Foreign Commerce to the effect that certain sheer fabrics, such as organdies, tulles, and georgettes which have been used with safety by the American consumer for many generations failed by a very narrow margin to pass the 4-second burning time prescribed by the law.

The ban on such fabrics will have a very serious effect on the manufacturers and processors of these sheer fabrics.

The very sheer organdie produced by the Baltic Mills Co., of Baltic, Conn., normally represents from 40 percent to 50 percent of its total production. A similar organdie produced by the Ponemah Mills, of Taftville, Conn., represents 25 percent of its sheer-cotton production.

These very sheer organdie fabrics have been made for more than 50 years without criticism as to their flammability.

The discontinuance of production of this sheer organdie would remove from the market a fine textile which for generations has been used safely in the manufacture of women's and children's clothing.

The discontinuance of production in this line would cause additional hardship to the many workers who for generations have been employed in these mills and processing plants.

I am advised that the textiles produced by these firms would pass the flammability test conducted in accordance with Commercial Standard 191-53, providing the burning time is lowered from 4 seconds to 3½ seconds.

This proposed bill, as amended, is supported by the Textile Workers Union of America, by the executive departments of the Government, and by industry.

If the law is amended in accordance with the reported bill, this organdie and similar textiles would be permitted to move in commerce. Production and employment would be continued. The public would still be adequately protected against the highly flammable textiles

used in wearing apparel which have caused bodily injury and death.

Mr. CELLER. Mr. Speaker, further reserving the right to object, I should like to ask the sponsor of the bill whether this bill exempts scarves.

Mr. HESELTON. No; it does not. The committee, in its report, indicated that they did not feel that scarves should be exempted. Not all silk scarves are presently banned, only silk scarves which are unable to meet the test, the requirements under this law, which are very light scarves.

Mr. CELLER. Did not the Department of Commerce ask that scarves be exempted from the operation of the act?

Mr. HESELTON. It is my recollection that at one stage the Department did indicate they thought scarves should be exempted, but later took a different position, and now do not recommend it.

Mr. CELLER. I want to say to the gentleman that I was given a different impression.

Mr. HESELTON. I beg the gentleman's pardon. I withdraw that. They did not change their position.

Mr. CELLER. They are still opposed to the fact that scarves were not excluded?

Mr. HESELTON. That is my understanding.

Mr. CELLER. I want to say to the gentleman that there is a very substantial industry involved in this bill, particularly as it refers to scarves, and those that handle scarves in my city of New York are greatly embarrassed by this act and will continue to be embarrassed unless scarves are excluded. For that reason, Mr. Speaker, I think there should be full and mature debate on a bill of this character and it should not be considered in this fashion. For that reason I must object.

Mr. KLEIN. Mr. Speaker, will the gentleman please withhold his objection?

Mr. CELLER. Certainly.

Mr. KLEIN. May I say that I have been very close to this situation. I have been in contact with the representatives of the industry in New York, and while I agree with the gentleman that scarves should be excluded, I hope the gentleman will not object, because we are hopeful, if we can pass this bill, it will at least be a start. This is better than nothing, and we are hopeful, if it gets over to the Senate, that in conference we will get much more than this. If the gentleman objects, I am afraid that we will get no legislation at all at this point, and then we will all be badly off.

Mr. CELLER. I appreciate the attitude of the gentleman from New York, and I am most anxious always to cooperate with him, and with the ranking minority member of the distinguished Committee on Interstate and Foreign Commerce, the gentleman from Tennessee [Mr. PRIEST]. Can we get some assurance from those on the other side of the aisle that they will seek, say, in the next Congress, to exempt scarves from the operation of this act?

Mr. HESELTON. I certainly think that the committee will be glad to give further consideration to the matter.

Mr. CELLER. That is not the answer I am seeking. Does the gentleman himself feel that scarves should be excluded?

Mr. HESELTON. In my opinion, no.

Mr. CELLER. Well, then, I do not think we will get anything out of the conference, I will say to the gentleman from New York, who seemed to imply that if the matter went to conference, we might be able to get some appreciable results and, failing that, in the next session we might get scarves eliminated. Apparently those who control the destiny of the committee now will not help. Mayhap they will not have control in the next Congress. Nonetheless, we are taking a chance in case they are in control that they will not help us in this matter.

Mr. KLEIN. I would like to point out that the bill as passed by the Senate, which was introduced by Senator PURTELL, of Connecticut, specifically provided—and if I am incorrect, I think a member of the staff will correct me—that scarves should be excluded from the operation of this act, which is what I favor and which I think the gentleman favors. There is no reason in the world why scarves should not be excluded. They are detachable. The history of this legislation is that some deaths were caused by the burning of suits of some kind worn by youngsters. It was never intended that scarves should be included in the prohibition. However, I think the gentleman should get the assurance to take it up at the next session from this side of the House.

Mr. CELLER. All right. May I get the assurance of the gentleman from Tennessee [Mr. PRIEST] who will soon undoubtedly be chairman?

Mr. PRIEST. Mr. Speaker, the gentleman from New York [Mr. CELLER] of course is speculating at this point. I can assure the gentleman from New York that so far as our side of the committee is concerned we are greatly interested in the question he has asked. I feel, however, that a determination of what might happen in another session of Congress should not at this time enter into the question of whether this bill should be passed and sent to conference at this time. I shall confer privately with the gentleman about any possibility of what may happen in another session of Congress.

Mr. CELLER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. HESELTON]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Flammable Fabrics Act (67 Stat. 111; 15 U. S. C. secs. 1191-1200) is amended as follows:

(1) In section 2 (d) after the comma following: "hats, gloves" insert "scarfs made of plain surface fabrics"; and (2) after subsection (b) of section 4 insert the following:

"(c) Notwithstanding the provisions of Commercial Standard 191-53, setting forth the conditions under which samples of fabrics and articles of wearing apparel are to be tested, the tests shall be made upon samples which after having been previously dried are conditioned to equilibrium in the

standard textile-testing atmosphere of 65 percent relative humidity and 70° F."

With the following committee amendment:

Strike out all after the enacting clause and insert "That section 4 of the Flammable Fabrics Act (15 U. S. C., sec. 1193) is hereby amended by inserting at the end thereof the following subsection:

"(c) Notwithstanding the provisions of paragraph 3.1 Commercial Standard 191-53, textiles free from nap, pile, tufting, flock, or other type of raised fiber surface when tested as described in said standard shall be classified as class 1, normal flammability, when the time of flame spread is 3½ seconds or more, and as class 3, rapid and intense burning, when the time of flame spread is less than 3½ seconds."

The committee amendment was agreed to.

Mr. HESELTON. Mr. Speaker, I want to make a brief explanation of this bill which provides for a simple amendment to the Flammable Fabrics Act. The amendment would permit plain surface fabrics which burn in 3½ seconds when tested in the manner prescribed by this law to qualify as "safe" fabrics. They would not be prohibited for use in wearing apparel. The present minimum permissible burning time is 4 seconds.

The law will retain the 4-second burning time for textiles which have a nap, pile, tufting, or other type of raised fiber surface. They will have to meet the present requirement of the law and the bill does not attempt to affect these textiles at all.

The Committee on Interstate and Foreign Commerce was advised that fabrics made of plain surface burn with a lesser degree of intensity as compared with the raised fiber surface textiles, and that the burning time for the former fabrics may be lowered without reducing, to any significant degree, the protection to the public which the Congress sought to provide by the enactment of the Flammable Fabrics Act.

The purpose of this act is, of course, to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which have caused either bodily injury or death to numerous individuals.

This act became Public Law 88 of the present Congress on June 30, 1953. The Congress provided that the law should take effect 1 year after the date of its enactment. The effective date was postponed for 1 year in order to give the textile industry adequate time to dispose of stocks, to obtain the testing machinery and develop the necessary skills to conduct the flammability tests.

Shortly before this law was scheduled to take effect, there was brought to the attention of the Congress the fact that certain textiles, which have been in use in this country for many decades without any history of unusual flammability characteristics, were barred under the provisions of the Flammable Fabrics Act. Included among these ineligible textiles are certain organdies, georgettes, and tulles.

Two textile mills in New England are especially hard hit by this law. The Baltic Mills, of Baltic, Conn., normally

produces between 40 and 50 percent of its total volume of production very sheer organdy which fails to meet the present flammability test by a very narrow margin. A similar organdy produced by the Ponemah Mills, of Taftville, Conn., also fails to meet the test. Other mills in Massachusetts are similarly affected. Discontinuance of production of these very sheer textiles will mean depriving the American people of a product used in the manufacture of ladies' and children's dresses. It would mean increased unemployment in the mills and processing plants.

These grave consequences are undesirable as well as unnecessary. The committee is convinced that so far as these very sheer textiles are concerned, the present law is unduly harsh.

The National Bureau of Standards, the Department of Commerce, and the textile industry favor a reduction in the burning time of these plain-surface fabrics from 4 seconds to 3½ seconds. No one would be hurt by this amendment. Everyone would stand to gain. And the public would still be adequately protected against textiles which are so highly flammable as to be dangerous when worn by the individual.

I urge the House to pass this bill.

Mr. WOLVERTON. Mr. Speaker, a little over a year ago the Congress passed the Flammable Fabrics Act, and it was approved by the President on June 30, 1953. This act was the culmination of 8 years of continuous and very careful study by the Congress and the textile industry and trade for a law to protect the public from the danger surrounding the use in wearing apparel of highly flammable textiles of the types which have caused either bodily injury or death to numerous individuals.

HISTORY OF LEGISLATION

Bills to prohibit the transportation in interstate commerce of highly flammable fabrics and wearing apparel were introduced in the House beginning with the 79th Congress, 1st session, 1945. In the 80th Congress your Committee on Interstate and Foreign Commerce held extensive hearings on three flammable fabrics bills, namely, H. R. 505, by the gentleman from New Jersey [Mr. CANFIELD]; H. R. 601, by the gentleman from California [Mr. JOHNSON]; and H. R. 1111, by the gentleman from Missouri [Mr. ARNOLD]. Similar bills were introduced during the 81st and 82d Congresses. In the 82d Congress the Senate passed unanimously on July 3, 1952, S. 2918, a bill similar in many respects to H. R. 5069, of the 83d Congress, which was enacted into law. S. 2918 was reported by your committee on July 4, 1952. The House took no action on that bill prior to the adjournment of the Congress on July 7, 1952.

On April 16, 28, and 29, 1953, your Committee on Interstate and Foreign Commerce held public hearings on five similar bills, H. R. 389, by the gentleman from New Jersey [Mr. CANFIELD]; H. R. 2768, by the gentleman from New Jersey [Mr. WOLVERTON]; H. R. 3851, by the gentleman from New Jersey [Mr. CANFIELD]; H. R. 4159, by the gentleman from California [Mr. JOHNSON]; and H. R. 4500, by the gentleman from Mississippi [Mr.

WILLIAMS]. The principal objective of these bills is to prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals. H. R. 5069 was introduced by me, as chairman of the committee, and at the direction of the committee, as a "clean" bill as a result of the committee hearings and after executive consideration of all of the bills pending before the committee. This bill was passed unanimously by the House on June 3, 1953, by the Senate on June 18, 1953, and was approved by the President on June 30, 1953—Public Law 88, 83d Congress. This act took effect on July 1, 1954.

Every witness who testified before the committee, without exception, representing virtually all segments of the textile industry and trade, urged prompt and effective Federal legislation to protect the public from the dangers of highly flammable wearing apparel and fabrics used in wearing apparel, and supported these bills in principle. Moreover, the committee was urgently requested to take prompt action on this legislation. It was pointed out that if this legislation was not enacted, a variety of State and local regulations lacking in uniformity might very well ensue. It seemed obvious that uniformity of regulation in this matter was necessary.

Testimony in support of legislation on this subject was received from the Federal Trade Commission, the National Cotton Council of America, the National Retail Dry Goods Association, the Tufted Textile Manufacturers Association, the Society of the Plastics Industry, the Rayon and Acetate Fiber Producers, and others.

It should be clear from what has been said that this act had the unanimous approval of everyone concerned with this problem. The effective date of this law was postponed for 1 year in order to give the industry and trade adequate time to make the necessary inventory and technical adjustments.

FLAMMABILITY TEST

The major problem in formulating legislation to control the use of dangerously flammable textiles is to discriminate between the conventional fabrics that present moderate and generally recognized hazards and the special types of fabrics which present unusual hazards and are highly dangerous.

The rate of burning of a garment or other textile product depends upon the kind of fiber, the finishing materials present, the structure of the yarn and fabric, and such circumstances as the relative humidity. In general, wool textiles ignite and burn with difficulty while cotton and rayon ignite and burn more readily. The major hazards arise from certain cotton or rayon fabrics having fuzzy or furlike surfaces which flash and burn with exceeding rapidity. Most synthetic textiles melt when heated and the molten material is capable of producing serious burns on coming in contact with the skin.

Section 4 of the Flammable Fabrics Act prescribes the standards of flammability. Commercial standard 191-

53, promulgated by the Secretary of Commerce, effective January 30, 1953, prescribes the standard for flammability of clothing textiles and commercial standard 192-53, promulgated by the Secretary of Commerce, effective May 22, 1953, prescribes the standard of flammability for vinyl plastic film.

The flammability test provided in the Commercial Standard 191-53 makes use of strips of fabric 2 by 6 inches in dimension. These strips are washed, cleaned, and dried to a bone-dry condition in a prescribed manner. The test consists of measuring the burning time in seconds when the test piece is mounted in a specially designed apparatus, called a flammability tester, and a flame is applied in a prescribed manner. Fabrics with a flame spread of more than 7 seconds are classed as having normal flammability. Those with a flame spread of less than 4 seconds are classed as rapid and intense burning, while those burning in 4 to 7 seconds are rated as having intermediate flammability. This act prohibits the introduction or movement in interstate commerce of those fabrics which are classed as rapid and intense burning fabrics.

Commercial Standard 192-53 is the industry-approved standard with respect to vinyl plastic film. Such film is used in the manufacture of various articles of wearing apparel such as raincoats, capes, hoods, pants, and aprons. The flammability test is prescribed in paragraph 3.11 of this standard.

NEED FOR AMENDMENT

Shortly before the effective date of the Flammable Fabrics Act representations were made to your committee and the corresponding Senate committee to the effect that certain sheer fabrics, such as organdies, tulles, and georgettes, which have been used with safety by the American consumer for many generations, failed by a very narrow margin to pass the 4-second burning time prescribed in the law for nonhighly flammable textiles, and are therefore banned under this law. It is unfortunate that representatives of manufacturers and processors of such materials were not aware of this difficulty and did not present their problem to the Congress during the time that it was considering, a year ago, the bills to prohibit the introduction or movement of highly flammable fabrics in interstate commerce.

Your committee was advised that the ban on such fabrics will have a very significant effect on the manufacturers and processors of these sheer fabrics. The very sheer organdy produced by the Baltic Mills Co., of Baltic, Conn., normally represents from 40 to 50 percent of its total production. A similar organdy produced by the Ponemah Mills, of Taftville, Conn., represents 25 percent of its sheer-cotton production. The discontinuance of production of this sheer organdy would remove from the market a very fine textile used in the manufacture of women's and children's dresses, that would be difficult to replace. It would also cause unemployment in the mills and the processing plants.

Your committee understands that the textiles produced by these firms would

pass the flammability test conducted in accordance with the law providing the burning time is lowered from 4 seconds to 3½ seconds. If the law is amended in accordance with the reported bill, this organ and similar textiles would be permitted to move in commerce, production and employment would be continued, and the public would still be adequately protected against the highly flammable textiles used in wearing apparel which have caused bodily injury and death.

The Senate approved bill, which your committee amended, proposed to add scarfs, made of plain surface fabrics, to the other articles of wearing apparel which had already been exempted from the provisions of the Flammable Fabrics Act, namely, certain hats, gloves, and footwear. The bill also proposed a change in the conditions under which samples of textiles were to be tested for flammability. Instead of the test being conducted in a bone-dry condition, as stipulated in commercial standard 191-53, which is the standard of flammability set forth in section 4 of the Flammable Fabrics Act, S. 3379 proposed that the samples of the fabrics to be tested should first be dried and then be conditioned to equilibrium in an atmosphere of 65 percent relative humidity and 70° F.

Shortly after the bill passed the Senate, several important communications were received by your Committee on Interstate and Foreign Commerce, expressing strong opposition to S. 3379. Such communications came from the National Retail Dry Goods Association, the International Association of Fire Chiefs, the State fire marshal of California, the International Ladies Garment Workers Union, the Textile Workers Union of America, the Northern California Chapter of the Society of Fire Protection Engineers, and even from the Department of Commerce which had previously approved this bill.

The reason for this opposition was the fact that further tests conducted under the formula proposed in the bill, produced results that were greatly disturbing to the safety and protection of the public. If enacted, the bill would have the effect of greatly weakening the flammability standard by as much as 300 to 400 percent in the case of some textiles.

The Department of Commerce also withdrew its support from the new flammability testing formula proposed in S. 3379, as introduced, and similar House bills, H. R. 9193 and H. R. 9392. In his letter of June 16, 1954, addressed to the chairman of your Committee on Interstate and Foreign Commerce, Acting Secretary of Commerce, Mr. Walter Williams stated in part:

The bills pending before your committee would resolve this aspect of the problem by modifying the test to provide that the material to be tested should be tested when it is in equilibrium in the standard testing atmosphere of 65 percent relative humidity and 70° Fahrenheit. Under the existing standard the test is made on the material in an extremely dry condition.

In commenting on S. 3379 to the Committee on Interstate and Foreign Commerce of the Senate and in a communication di-

rected to the Committee on Interstate and Foreign Commerce of the House, dated May 14, 1954, we urged that these modifications be enacted into law. We have, since that time, through tests which have been conducted, determined that many fabrics with a raised-fiber surface, when tested under the standard testing atmosphere prescribed by S. 3379, show such a wide disparity of burning characteristics as to raise questions concerning the adequacy of the proposed revision as a safeguard.

It is recommended that instead of testing fabrics under the standard testing conditions, which give us concern for the reasons set forth above, a minimum of 3 seconds burning time be established for plain-surface fabrics and that the 4-second minimum be maintained for raised-surface fabrics. The tests would be performed under the dry conditions established by CS 191-53 as presently incorporated in the Flammable Fabrics Act. The differences in burning times are sufficiently justified, in our opinion, by the more intense burning of the raised-surface fabrics. We are advised by technical experts in the field of flammability of textiles at the National Bureau of Standards of the Department that sheer plain-surface fabrics burning within these limits have been in conventional use for many years and that most of these fabrics with raised surfaces which have apparently caused recent accidents because of their unusual flammability would be banned by the 4-second limit which remains in effect for such fabrics.

The various proposals to avoid the real difficulty with respect to conventional sheer plain-surface fabrics have been discussed thoroughly with members of the standing committee for SC 191-53. This committee which participated actively in the development of the standard was unanimous in the opinion that the solution herein proposed would provide adequate and appropriate safeguards against fabrics of unusual hazards and at the same time allow interstate traffic in conventional sheer plain-surface fabrics which do not present such unusual hazards.

The recommendation of the Acting Secretary of Commerce that a minimum of 3 seconds' burning time be established for plain-surface fabrics, while maintaining the 4-second minimum for raised-surface fabrics, and conducting the tests under the bone-dry conditions established by commercial standard 191-53, was explored by the chairman of your Committee on Interstate and Foreign Commerce with many interested parties. As a result of these discussions and communications, it developed that a reduction of the burning time from 4 to 3½ seconds for plain-surface fabrics would be sufficient to qualify as safe those sheer fabrics which now fail to pass the flammability requirements under the law by a very narrow margin.

Moreover, the view was expressed that this amendment would have the support of the cotton-textile industry. Your committee was also assured that this reduction in burning time to 3½ seconds for plain-surface fabrics would not materially lessen the safety to the public which the Congress sought to provide by the enactment of the Flammable Fabrics Act.

Your committee is convinced that scarfs should be subject to the provisions of the law just as any other item of wearing apparel. They can be as much a danger to human safety as any other improperly protected garments. Scarfs

are worn around the head or neck and tied on with a knot which may not be easily removable. Once ignited, the danger of the hair catching on fire is very great. The scarfs cannot be readily discarded under such circumstances.

It should be emphasized that not all the silk scarfs are presently being banned under the Flammable Fabrics Act. The only silk scarfs which are unable to meet the flammability requirements under this law are the very lightweight 4-momme and lighter scarfs. The heavier weight silk scarfs of 5-momme weight or higher would generally pass the flammability tests under the present law.

Handkerchiefs up to 24 inches square, according to an administrative ruling of the Federal Trade Commission, are not articles of wearing apparel within the meaning of the Flammable Fabrics Act and are, therefore, exempted from the provisions of this law.

I urge the House to pass the Committee-approved bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to amend section 4 of the Flammable Fabrics Act, with respect to standards of flammability in the case of certain textiles."

A motion to reconsider was laid on the table.

Mr. HESELTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD immediately prior to the passage of S. 3379.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD immediately prior to the passage of S. 3379.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RENEWAL OF AND ADJUSTMENT OF COMPENSATION FOR CARRYING MAIL ON WATER ROUTES

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 361) to provide for renewal of and adjustment of compensation under contracts for carrying mail on water routes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc. That the last two paragraphs of section 3951 of the Revised Statutes, as amended (39 U. S. C., sec. 434), be amended by inserting after the terms "star route contract" and "star route contractor," the terms "inland water route contract" and "inland water route contractor," respectively.

With the following committee amendment:

Page 1, line 4, strike out after the figure "434", the balance of line 4, lines 5 and 6,

and line 7 up to and including the word "respectively", and insert "are amended by striking out the words 'star-route or screen vehicle service' wherever they appear in such paragraphs and inserting in lieu thereof 'star-route, screen vehicle service, or inland water-route'."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO EXTEND REMARKS

Mr. McVEY. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may extend their remarks in the RECORD with reference to the late Mr. Buckley, following the remarks of Mr. O'HARA of Illinois and myself.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LABELING OF PACKAGES CONTAINING FOREIGN-PRODUCED TROUT

Mr. O'HARA of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2033) relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear on the menus of public eating places serving such trout.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2033, with Mr. ALLEN of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WOLVERTON. Mr. Chairman, the gentleman from Minnesota [Mr. O'HARA] will handle the time on this side.

(Mr. O'HARA of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. O'HARA of Minnesota. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, there was considerable debate upon the rule, and I should like to summarize briefly in a factual way the purpose of this legislation.

The purpose of the bill is to protect the public by requiring imported trout, as defined in the bill, to be labeled as trout and identified as to the country of origin so that the public and the purchaser can identify and distinguish imported trout from domestic trout.

The reported bill will serve actually three objectives: First, to protect the public and consumer against deceptive and unfair practices by requiring truthful disclosure of the origin of the trout; second, to protect our domestic trout producers against unfair competition from foreign producers of trout; and third, to protect our source of supply for stocking the streams of the Nation with game trout.

Is there anything wrong with protecting the public from being deceived or being misled by fraudulent misrepresentation? Let me point out that the Committee on Interstate and Foreign Commerce has over the years brought out similar bills with an identical purpose. I need only to speak of the Federal label laws covering foods, drugs, and cosmetics under the Federal Food, Drug, and Cosmetic Act; the widely acclaimed Wool Products Labeling Act of 1939; and the Fur Labeling Act of August 8, 1951. All of these had as their principal purpose the protection of the public and the protection of the American producer as well as the American consumer.

What has been going on here? I wish some of my friends on my right side would eat some of our American produced Rocky Mountain trout, rainbow trout, and perhaps they would not be quite so facetious about some of their suggestions as to this bill. Those people who raise trout are mostly in a family-size farm production of domestic trout. Most of them are a family-size unit operation, and the total investment of these people is perhaps every cent they have.

They are confronted with furnishing to the Food and Game Department of the 48 States, those that have them, at least, the fingerlings and the eggs for the production of trout that are planted in the streams of the various States. On top of that they must, in order to make ends meet, sell the trout they produce for eating purposes. They have been getting their throats cut by the tremendous importation of a cheap, foreign, inferior type of fish into this country, which, unfortunately, too many of the people in the restaurant business are selling as Rocky Mountain trout—mislabeling and fraudulently describing trout which in no way compares to American produced trout. They can buy this cheaply produced imported foreign trout from Japan or Denmark. These people can buy this cheaply produced foreign trout at about 40 cents a pound less than the American produced trout can be sold. So they are making a nice profit in doing so. I know that most of the restaurant people are decent, fine people, and that they would not intentionally mislead or deceive the public, and we are protecting them by requiring these importers of this foreign trout to identify and mark the trout whether it is 1 fish or 12 in packages and to identify the country that the trout is imported from. Is there anything wrong about that? We did that in the fur-labeling bill where we compelled the fur people to mark and identify for sales purposes the origin of the fur.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ROGERS of Florida. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, this is a very simple bill. The purpose of it has been well explained by my colleague, the gentleman from Minnesota [Mr. O'HARA]. Now it becomes a question of whether or not you want the public to be advised as to what they are eating when something is put before them which is labeled trout

such as Rocky Mountain trout or some other kind of trout. Not only that but there are a number of trout producers in this country and everyone of them who appeared before the committee was in favor of this bill. We did have some opposition to the bill on the part of some restaurant owners, but other than that so far as the public at large is concerned, I do not recall much opposition. We have letters here from the Isaac Walton League in favor of this bill. We have letters from the National Wildlife Federation in favor of the bill. We have a communication from the Sport Fishing Institute, of Washington, D. C., in favor of the bill. We have a communication from William E. Rae, editor of Outdoor Life. We have a letter from the Department of Fish and Game of the State of Idaho.

Mr. O'HARA of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield.

Mr. O'HARA of Minnesota. It is my understanding that the Fish and Game Departments of 38 States have endorsed this bill. I was informed of that fact this morning.

Mr. ROGERS of Florida. I do not recall how many there were, but I presume the gentleman is absolutely correct when he makes that statement. Certainly, this is not an invasion or violation of any principle. The Congress has adopted similar legislation with reference to oleomargarine. This type of law was passed concerning furs and wool. There are many other pieces of legislation that the Congress has passed to protect the public. There is one provision here that makes certain that there is no interference at all with any State law. I believe it is section 3 of the bill which provides that nothing in this act shall be construed as authorizing possession, sale, or serving of foreign produced trout in any State or Territory in contravention of the laws of such State or Territory. So it appears to me that there cannot be much objection to the passage of this bill. Certainly some good can come out of it. I think this Congress today should give favorable consideration to the passage of this bill.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield.

Mr. SMITH of Virginia. I have been puzzled to know how you are going to tell the difference and what is the difference—and I am sure the gentleman being an expert on these matters, can tell me—what is the difference between the fish that is spawned in the United States and one that is spawned, say, in Canada, a trout now? What is the difference between these trout? How can you tell if you eat them?

Mr. ROGERS of Florida. There is some difference in the flavor. It is just like ham. I am sure the gentleman would like to get Virginia ham in this bill.

Mr. SMITH of Virginia. I hope the gentleman is going to offer such an amendment.

Mr. ROGERS of Florida. I do not propose to.

Mr. SMITH of Virginia. I just do not see how a restaurant dealer or a

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5. NOMINATION. Confirmed the nomination of Herbert Davis Vogel to be a member of the Board of Directors of TVA (p. 13300). Sen. Morse spoke in opposition to this nomination (pp. 13412-3).
6. MEXICAN FENCE. Discussed, and placed at foot of the calendar, S. 114, authorizing appropriations for construction, operation, and maintenance of the Mexican western land boundary fence project (p. 13376).
7. FORESTRY. Discussed and passed over S. 620 and H. R. 1254, which authorize the issuance by Federal agencies of permits, leases, or easements to States or local governments for periods not to exceed 30 years, on lands within their respective jurisdictions (pp. 13403-4).
8. AGRICULTURAL INVESTIGATIONS. Agreed to S. Res. 304, to provide \$12,000 additional for the Agriculture and Forestry Committee for an investigation of various matters related to agricultural programs (S. Rept. 2450) (p. 13301).
9. EDUCATION. Passed without amendment H. R. 9888, to extend the period during which the education and training benefits of the Korean-conflict GI bill of rights may be available (p. 13356). This bill will now be sent to the President.
10. FORESTRY. Passed without amendment H. R. 6393, consenting to an interstate forest-fire protection compact among south central States (p. 13357). This bill will now be sent to the President.
11. RECLAMATION. Passed without amendment H. R. 8520, to include the Ainsworth, Lavaca Flats, Mirage Flats Extension, and O'Neill irrigation developments in the Missouri Basin project, and H. R. 8384, to authorize the Talent division of the Rogue River Basin project, Oreg. (pp. 13373, 13394, 13402). These bills will now be sent to the President.
12. WATER RESOURCES. Passed without amendment H. R. 2843, authorizing the Interior Department to investigate and report to Congress on the water resources of Hawaii (p. 13396). This bill will now be sent to the President.
13. FORESTRY. Passed as reported S. 3773, to authorize reciprocal fire-protection agreements between Government departments and agencies and public or private organizations engaged in fire-fighting activities (p. 13373).
14. PERSONNEL. Passed with amendments H. R. 7774, to increase the pay of classified, postal, and other Federal employees; and then agreed to a request by Sen. Knowland that the vote be reconsidered (pp. 13334-7).
15. MEXICAN FARM LABOR. The Judiciary Committee reported with amendments S. 3660, to make the employment, and related practices, of any alien known by an employer to have entered the U. S. illegally within 3 years thereof unlawful (S. Rept. 2451), and S. 3661, to provide for the seizure and forfeiture of any vessel or vehicle used in the transportation of any alien known by the owner thereof to have entered the U. S. illegally within 3 years (S. Rept. 2452) (p. 13300).

16. COMMODITY CREDIT CORPORATION. The Agriculture and Forestry Committee reported without amendment H. R. 9756, to increase the borrowing power of CCC from \$8.5 billion to \$10 billion (S. Rept. 2470) (p. 13301).
17. EDUCATION. Passed with amendment H. R. 1797, to provide for conveyance by the Interior Department of a tract of land to the Okla. A&M College (p. 13374).
18. PERSONNEL; RETIREMENT. Passed without amendment S. 3627, to amend the Civil Service Retirement Act so as to tighten up several "loopholes" (p. 13377).
19. TRAVEL. Passed with amendment S. 3200, to amend section 3 of the Travel Expense Act of 1949, as amended, so as to increase the maximum per diem allowance for subsistence and travel by Federal employees from \$9 to \$12 (p. 13401).
20. SOIL CONSERVATION. Passed as reported S. 3774, to extend the benefits of the Watershed Protection and Flood Prevention Act to Alaska, Hawaii, Puerto Rico, and the Virgin Islands (p. 13374).
21. VIRGIN ISLANDS. Passed as reported S. 3800, to restore the USDA animal-poultry inspection authority, regarding imports into the Virgin Islands, on a modified basis (p. 13357).
22. PERSONNEL. Passed as reported S. 19, to suspend the running of the statute of limitations applicable to offenses involving performance of official duties by Government officers and employees during periods of Government service (p. 13371).
23. EDUCATION. Passed as reported S. 3629 to amend Public Law 874, 81st Cong., so as to postpone the effective date of the 3 percent "absorption" requirement of school districts in areas affected by Federal activities for 1 additional year (through June 30, 1955) (pp. 13371-2).
Passed as reported S. 3628, to amend Public Law 815, 81st Cong., so as to extend for 3 additional years the program of Federal assistance for school construction under title III thereof (p. 13371).
24. FLAMMABLE FABRICS. Concurred in the House amendments to S. 3379, to exempt from the Flammable Fabrics Act certain fabrics which are not highly flammable (p. 13472). This bill will now be sent to the President.
25. STOCKPILING. Passed as reported S. 3585, to amend the Strategic and Critical Materials Stockpiling Act so as to provide "that any gem diamonds constituting a part of the stockpile may be exchanged for industrial diamonds of a like value" (pp. 13370-1). The committee report explains that a firm has offered to make such an exchange and has agreed to purchase wheat of the same value from the proceeds of its sale of the gem stones acquired by the exchange.
26. DEBT LIMIT. Discussed and passed over H. R. 6672, to increase the public debt limit (p. 13376).
27. PATENTS. Discussed and passed over, upon the objection of Sen. Hendrickson, H. R. 3534, to authorize the extension of patents covering inventions whose practice was prevented or curtailed during service by the patent owner in the Armed Services or by production controls (pp. 13379-80).

going to create administrative difficulties and lower morale within the TVA, because the TVA has been developed very successfully by an administrative and construction program quite different from the Corps of Army Engineers. In my opinion it has been good for the country that such has been the case. I think it has been good for the Corps of Army Engineers to have TVA as a sort of competitive yardstick for the Corps of Army Engineers to try to match. I am satisfied that the low cost, high efficiency, and the multipurpose program of the TVA never would have reached such a high state of successful development if the policies of the Corps of Army Engineers had been followed.

"Be that as it may, I think it is obviously unwise to bring in as chairman of the board of directors of the TVA an Army engineer who is bound as a human being to be somewhat influenced by the known conflicting policies of the Corps of Army Engineers, insofar as TVA is concerned.

"Furthermore, it is to be noted that the Corps of Army Engineers have always been primarily interested in navigation development and flood control, and have tended to look upon electric power developments in public works projects as rather secondary in importance. However, in the TVA program, power development, along with flood control and navigation, fertilizer production, recreation, and many other public services, is of primary importance. It is a public power development program and by law is intended to be a public power development program.

"However, there is much evidence which indicates very clearly that the prevailing points of view of the Corps of Army Engineers have for a long time past seem to lean in the direction of favoring the private utility approach to the development of electric power in our country. It is interesting to note how many of the top officers of the Corps of Army Engineers upon retirement seem to find themselves gravitating toward employment by private utility companies and other corporations that have great interest in the development of programs for private utility monopolies, or serve upon retirement as special consultants to private utilities (which is one and the same thing.)

"The selection of an Army Engineer to head the TVA great public power development project, in my judgment, is most unwise.

"4. As I stated to the committee this morning, I think the people of the Tennessee Valley and of the Nation as a whole are entitled to have appointed as chairman of the Board of Directors of the TVA an enthusiastic advocate of the TVA program. They are entitled, as I put it in committee, to a chairman who will be a true crusader for the maximum development of the economic potentialities of the TVA. If the great experiment of the TVA is to accomplish the success envisioned by the law which authorized it, it must have at its head men who have the enthusiasm to expand its services to the region which it serves under the law. In my judgment, TVA to date has just scratched the surface of its potentialities of service to the people of the Tennessee Valley and of the Nation. It should have at its head one of the most able civilian authorities in the field of public power development. I do not think General Vogel has those qualifications.

"5. Lastly, the TVA program as contemplated by the law, is an example of putting into practice that great tenet that a Government of the people has the obligation of doing for them what they cannot do for themselves or cannot so well do for themselves, but what needs to be done in order to promote the general welfare.

"However, in order to keep democratic processes strong, efficient, and effective, in carrying out that tenet, civilians should be appointed and employed from top to bottom

in order to make it a living example of democracy put to work.

"The Government has a proprietary interest in TVA, but it is a proprietary interest based upon a cooperative program between the Federal Government and the people not only of the Tennessee Valley but of the Nation as a whole. This cooperative program should be administered in keeping with the civilian philosophy of business management.

"The bringing of a Corps of Army Engineers high ranking officer into the administration of TVA will, I fear, prove to be a great mistake, and therefore I voted against the nomination."

AMENDMENT OF THE FLAMMABLE FABRICS ACT

Mr. PURTELL. Mr. President, the Senate has received a message from the House with respect to Senate bill 3379, to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable. I request that the amendments of the House to that bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3379) to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable, which were, to strike out all after the enacting clause and insert:

That section 4 of the Flammable Fabrics Act (15 U. S. C., sec. 1193) is hereby amended by inserting at the end thereof the following subsection:

"(c) Notwithstanding the provisions of paragraph 3.1 Commercial Standard 191-53, textiles free from nap, pile, tufting, flock, or other type of raised fiber surface when tested as described in said standard shall be classified as class 1, normal flammability, when the time of flame spread is $3\frac{1}{2}$ seconds or more, and as class 3, rapid and intense burning, when the time of flame spread is less than $3\frac{1}{2}$ seconds."

And to amend the title so as to read: "An act to amend section 4 of the Flammable Fabrics Act, with respect to standards of flammability in the case of certain textiles."

Mr. PURTELL. Mr. President, the House has amended this bill. I approve the change in the standard of flammability. I have discussed this matter with the senior member of the minority, both of the full committee and the subcommittee, and they agree with me. However, I believe the House should have exempted scarfs made of plain-surface fabrics, as the Senate Interstate and Foreign Commerce Committee and the Senate had done, or otherwise have adjusted the standards to provide for importation of silks that present no hazard to the wearer. I hope that further hearings next year will convince the House that this is necessary.

In view of the lateness of this session, and because the bill will afford our domestic industry much needed relief, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut [Mr. PURTELL].

The motion was agreed to.

IDENTITY OF CERTAIN COMMUNIST-INFILTRATED ORGANIZATIONS

The Senate resumed the consideration of the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes.

Mr. CASE. Mr. President, earlier in the debate this evening on the bill, S. 3706, a bill to amend the Subversive Activities Control Act of 1950, I expressed my position, I suppose, by implication from the inquiries which I addressed to the Senator from Oregon. In particular, I indicated I felt that in the matter of the Communist subversion, the labeling of organizations as subversive ought not to be in the hands of the National Labor Relations Board, but as proposed by the bill, ought to be in the hands of the Subversive Activities Control Board.

I want to assert very positively that it is my opinion that Communist subversion cannot be regarded as a question of labor-management relations. It is primarily a security question. Employers should not be charged with the obligation of defining security. Employers, in my judgment, ought not to be given the right to cite labor organizations on that score, with the penalties of having such organizations denied the benefits of the National Labor Relations Act.

It seems to me that the control of Communist subversive activities is an exercise of the police power; it is a responsibility of Government and not of the employer. That is why I think this bill is soundly based in providing that the citations shall be made by the Attorney General to the Subversive Activities Control Board rather than by initiation through labor-management relations.

During the debate earlier in the evening, too, the suggestion was made by other Senators that this was a matter which ought to be handled by the Labor and Public Welfare Committee, but I am advised that S. 1254, when introduced by the Senator from Arizona [Mr. GOLDWATER], proposed to establish effective means to determine Communist domination, and had several other features in it, including features now in S. 3706. It went to the Committee on Labor and Public Welfare, and by a unanimous vote, on January 15, 1954, that committee asked that the bill be referred to the Committee on the Judiciary.

I should like to ask the Senator from Maryland if that is not correct.

Mr. BUTLER. Yes; it is correct. That bill, S. 23, and S. 1606 were considered by our task force. The pending bill is really a committee bill. We drew on each one of these three bills, and the testimony adduced before our task force, to produce the pending bill.

Mr. CASE. The original Goldwater bill was before the Senate Committee on Labor and Public Welfare.

Mr. BUTLER. That is correct.

Mr. CASE. By unanimous vote, I understand, it was requested that the bill be referred to the Committee on the Judiciary.

Mr. BUTLER. The Senator is correct.

the force account system. This nominee says he prefers the contracting system and that alone is enough to cause great concern in the Tennessee Valley.

Lastly, and then I am through, Mr. Chairman, I think it is most unfortunate that we do not bring into the Chairmanship of the Tennessee Valley Authority a recognized authority and enthusiast in respect to the TVA program. I use the word "enthusiast" advisedly, for the economic and social program of the Tennessee Valley Authority calls for an enthusiastic supporter of it. We do not have such a person in this nominee.

Oh, yes; he answers the questions by saying that he is very much in sympathy with the law, and he will carry out the law. But he is not a Lillenthal; he is not a Clapp. I think the American people are entitled to have as Chairman of the Tennessee Valley Authority a man who just reeks with enthusiasm and inspiration for the great social and economic potentiality of the program.

I think the people of the United States are entitled to the best civilian who could be obtained for this job. They are entitled to a man who is an authority in this field, and who is a known proponent of the Tennessee Valley Authority.

There is no substitute for enthusiasm, and enthusiastic convictions in favor of a program that you are going to administer. This isn't a case where you are asking for the appointment of a president of a bank. It is a case where you are asking to have as Chairman of the Tennessee Valley Authority Board a man who is going to head up one of the greatest experiments, if not the greatest experiment, of a cooperative relationship between the Government and the people of a region whereby the Government will help the people to do for themselves what they cannot do for themselves or do so well for themselves.

I want a crusader as Chairman of the Board. I want a crusader who is a social and economic crusader dedicated to the symbolism of the Tennessee Valley Authority as the Chairman of the Board. In my opinion this man does not meet that qualification. Therefore, for the reasons set forth in this statement, Mr. Chairman, I shall vote against the nominee.

Mr. President, for the RECORD—and this is very brief, and bears upon the action which was taken in regard to the printing of the hearings—at this time I wish to read the comments which were made following my announcement of opposition to the nomination:

The CHAIRMAN. I think, Senator MORSE, we all appreciate very much the very vigorous statement that you have made, explaining your opposition to the nominee.

We will now close the hearings. What is the will of the committee?

Senator STENNIS. Mr. Chairman, I appreciate very much the forceful statement by Senator MORSE, too. I do feel that this committee is passing on a man who has already been nominated. We do not originate these names.

As Senator MORSE said, this is a man of high character and integrity and a great deal of ability, and I was well impressed, myself, with the statements he made, and the attitude he had privately adhered to, and under those circumstances I shall vote for his nomination.

Senator MORSE. May I respectfully request that the Chair instruct the reporter to transcribe at the earliest possible moment my statement before the committee, and supply me with a copy.

The CHAIRMAN. Yes; and, Mr. Bassett, get out the record of yesterday and today so we may have it.

Senator MORSE. May I also respectfully request, Mr. Chairman, that the reporter be

instructed to make the corrections in the record of yesterday that I have already given to the clerk of the committee?

Senator GORE. Is it your plan to have the hearings printed, Mr. Chairman?

Senator MORSE. I think we ought to print them.

The CHAIRMAN. The only thing about it is the question of expense.

Senator MORSE. I move that the hearings be printed.

The CHAIRMAN. Without objection, they will be printed.

That concludes the executive session.

(Whereupon, at 11:46 a. m., the meeting was concluded.)

Mr. President, following the meeting there was conversation among several of us, and I know that I state the attitude of my colleagues on the committee who were there that it was their impression that the hearings would be printed and that the nomination would be acted upon by the Senate after the hearings were available to the Senate for use in the debate, which it was well known would take place on the floor of the Senate when the nomination came before the Senate for confirmation.

At the beginning of my remarks, Mr. President, I said I criticized no one for the speed with which this nomination was rushed through the Senate this morning at the beginning of our session when there were only about eight Senators on the floor of the Senate. But I want the RECORD to show the only reason I was not here at the beginning of the session this morning is that I was at Bethesda Hospital, where I was undergoing a jaw treatment that I have been receiving periodically for some time past. I arrived in the Chamber, I think, at about 11:20 this morning. No one even told me at that time, Mr. President, that action had already been taken on the nomination. It was not until the Senate went into a second executive session late this afternoon and proceeded with the calendar that I first discovered that action had already been taken this morning on the Vogel nomination and that it had been sent to the White House.

As I have said, I have no intention of going through the gesture of moving to have it recalled from the White House, because I do not think the White House should be so treated, but I hope, Mr. President, and I speak most respectfully, that in the future when it is known that there is objection to a nomination—and it certainly was common knowledge that I had objected to this nomination yesterday—at least it will not be taken up in the Senate until notice of the intention to bring it up can be gotten to the Senator or Senators concerned.

Furthermore, I hope that, come January, we shall see fit to adopt an amendment to our rules, which I shall then offer, that will make it mandatory that nominations remain at the desk for at least one calendar day after they have been first filed at the desk. That would avoid the kind of embarrassing situation that has developed in this instance.

I ask, Mr. President, to have inserted in the RECORD, following my discussion of the Vogel nomination, a summary of my opposition to the nomination as I

gave it to the press yesterday in a press release from my office.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Senator WAYNE MORSE, Independent, Oregon, made the following statement on his vote against the confirmation of Gen. Herbert D. Vogel for the chairmanship of the Board of Directors of the Tennessee Valley Authority:

"The following is a summary of the reasons I expressed to the Public Works Committee in executive session today against the confirmation of Gen. Herbert D. Vogel for chairmanship of the Board of Directors of the Tennessee Valley Authority.

"1. A dangerous trend has developed in our country in recent years, and is going forward at an accelerated rate under the Eisenhower administration, of appointing high ranking military officers to important civilian administrative posts. I criticized this policy when I saw it start to develop under the Democratic administration. It has become even much more serious under the Eisenhower administration.

"The American people need to be on guard against the imposition of military administrative policies or practices over civilian functions of Government. The military chain of command of administration is not desirable or safe for the civilian functions of a democracy.

"I am convinced that General Vogel is so steeped in the military chain of command approach to any administrative position that it is not in the public interest to place him in charge of the chairmanship of the Board of Directors of TVA.

"My opposition to General Vogel's nomination does not rest on any personal opposition to him. To the contrary, I have a high respect for his military record and a high regard for him personally. But I am satisfied that his military administrative policies do not make his appointment a desirable one.

"In fact, I think it is very important that the Congress place a check upon this administration's growing tendency to fill important civilian posts with military personnel. Government by the military is neither safe nor good for America.

"2. It is particularly unfortunate that when the President came to select a military man for the chairmanship of the Board of Directors of the TVA he should select one from the Corps of Army Engineers.

"I am a staunch supporter of the Corps of Army Engineers within their appropriate field. But the Corps of Army Engineers is no sacred cow in my book. The history of TVA shows that it never would have been developed into the great national asset that it is if its development had been left to the Corps of Army Engineers.

"The fact is that the Tennessee Valley projects have been built on the basis of the so-called force-account method of constructing public works in contrast to the Corps of Army Engineers contracting system. I read to the Public Works Committee in executive session this morning some very interesting excerpts from a lecture that Gordon Clapp, former chairman of the Board of Directors of TVA, gave at the University of Chicago February 14, 1954. In that lecture he discussed the advantages of the force-account procedure used by the TVA over to contracting system used by the Corps of Army Engineers. I am satisfied that the Corps of Army Engineers have never looked with enthusiastic favor upon the great success of the TVA.

"I think it is a great mistake to select an Army engineer who in his testimony before our committee expressed a preference for the contracting system over the force-account system as chairman of the board of directors of TVA. In my judgment is is

Public Law 629 - 83d Congress
Chapter 833 - 2d Session
S. 3379

AN ACT

All 68 Stat. 770.

To amend section 4 of the Flammable Fabrics Act, with respect to standards of flammability in the case of certain textiles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 4 of the Flammable Fabrics Act (15 U. S. C., sec. 1193) is hereby amended by inserting at the end thereof the following subsection: Flammability standards.
67 Stat. 112.

“(c) Notwithstanding the provisions of paragraph 3.1 Commercial Standard 191-53, textiles free from nap, pile, tufting, flock, or other type of raised fiber surface when tested as described in said standard shall be classified as class 1, normal flammability, when the time of flame spread is three and one-half seconds or more, and as class 3, rapid and intense burning, when the time of flame spread is less than three and one-half seconds.”

Approved August 23, 1954.

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